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Inaugural Address

of

Gen. S. H. Throckmorton,

Delivered in the Representative Hall,

Austin August 9th. 1866.

Fellow-Citizens

Called by the people of Texas, with an unanimity of sentiment rarely equalled in the history of Revolution Governments, to preside over their destinies at a period so critical, when the future of the country appears so gloomy, when so much prudence and sagacity are required and expected, I can but be most sensibly impressed with the responsibilities of the task before me.

Hesitant to take upon myself the oath of office as Chief Magistrate of the State, and entering upon a course of service that must place me conspicuous in the history of the country, I am fain to confess that I feel scarcely wanting in the ability necessary to the occasion, and, feeling thus, I cannot anticipate the expression of any regret than the exercise of the powers that are further upon me more worthy and capable.

During periods of profound peace, when the State was untroubled in its domestic concerns, and in its relations to the Federal Government, the administration of its political affairs was attended with unusual simplicity, and required no high order of administrative ability. At a time like the present, when we have just emerged from the most exhausting war, to wonder, home made dreary and desolate by the heavy hand of war; the people impoverished, and groaning under public and private debts; the semi-barbarous energies of the country widely aroused; employing are hence hopeful the possibility of a state of the political atmosphere, and in others, the condition of a disorganized country, necessarily very large obstacles are in the way of and necessarily allow the loyalty of the people to the General Government, doubtful; their independence, their belief of republicanism in power and institutions disturbed; unadjusted as indeed, both is equally indispensable of their most sacred rights and interests; with a population among large numbers of whom, recent events have rendered, as a portion, long cherished principles of a nature and loyal society, or elevated philosophic views of society, have naturally given to the higher, to extend life as dear, their little ones wounded and their wives and daughters turned into a captivity an

terrible than death, and reserved for tortures, such as savage cruelty and lust can alone inflict; unprotected by the government we support, with troops quartered in the interior where there is peace and quiet; unwilling to send armed citizens to defend the suffering border for fear of arousing unjust suspicions as to the motive; with a heavy debt created before the late war, and an empty treasury; with an absolute necessity for a change in the laws to adapt ourselves to the new order of things, and embarrassments in every part of our external affairs; under such circumstances, with such surroundings, when so much depends upon prudence, and so great an amount of patriotism and intelligence is required, I feel sadly oppressed with the difficulties which are before me. Under the most favorable attitude of affairs, it is impossible always to meet public expectation. Situated as we now are, I beg my fellow-citizens to form no hasty judgment of my actions, but take time to consider of them and witness their effects upon the country. Doubtless errors will occur. It is impossible for human foresight to avoid them. I feel that I shall greatly need the generous indulgence of the country, and confidently anticipate a large measure of its forbearance and charity.

Notwithstanding the difficulties which beset us, and the untoward direction given to measures proposed for the settlement of the grave questions growing out of the late unhappy contest between the Government and the Southern States, and notwithstanding the measures so proposed have received the sanction of the National Legislature, yet, my fellow-citizens, with proper conduct on our part, I do not despair of receiving liberal and generous treatment from our Northern countrymen. I cannot yet be prepared to believe that the land of Franklin and Jefferson, of the Adamses, of Hamilton and Jay, of Webster and so many other worthies, of pure, unsullied patriotism, is no longer a land of good and great men, or that the lessons of unselfish devotion to country, taught by those illustrious and venerable fathers, have been entirely forgotten. The wild hurricane of passion, engendered by fanaticism and misguided philanthropy, augmented in its fury by the flames of Civil war, may sweep over the country, the warning voice of patriotism may be stilled and hushed for a time, but when the storm subsides, and its fury is expended, reason and justice, tempered with magnanimity and a generous regard for every section of the Union, will resume their sway.

The true men of the country who have embalmed in their hearts the noble work of the founders of the government, who look to the sacred teachings of the Constitution as the ark of safety for the American people, and who earnestly desire to perpetuate republican institutions, are the men to whom we must look for safety. Such we have reason to believe, are yet

in the land. They are already beginning to give force to public sentiment, and soon we may anticipate that they will guide the councils of the Nation, and control its destiny. Thus inviting the taste for Statesmen and philanthropists to remove, and place on an even standing basis, the government erected by the toils and sufferings, and consecrated by the wisdom of Washington and his illustrious compeers!

What a noble accession to the force, just and unorganized in hand to enter upon the glorious task of restoring peace and harmony to the late fiercely contending sections of the Confederate Union, of binding up and healing the ghastly wounds inflicted upon the country, by severing in the bonds of affection and mutual confidence, the hearts of countrymen estranged by war. Can more auspicious field ever have presented to the consideration of the friends of freedom.

The good work has already been inaugurated. Thus a congressmanship of slaves to the President's noble purpose, and a majority of moral indications of the times strengthening, the President has returned to the path of the South without terms of restoration. His generous policy has enrolled upon the gratitude of the people in every part of the country. This result has in the hearts the tenderest chords of the Southern heart. Sentiments of love and veneration for the government of our fathers have been revived by it, which have long slumbered. Kindness and mercy have been far more potent in promoting fidelity to the Union, in a few short months, than could have been effected by bayonets, confiscation and the gallows, in long years of extremity. I am confident in the belief, my fellow-citizens, that the great mass of our Southern countrymen desire it their brethren, and wish to see us restored to all the benefits of the government. I shall regard it the chiefest of my duties to foster and encourage this spirit, and shall inculcate among our fellow people the necessity of so demeaning themselves, that the friends of suspicion shall wither, fully the expectations for fidelity to the government, and, in this regard, shall labor to remove any erroneous impressions that may have been made as to a want of good faith and sincerity in the part of the people of the State.

Under the most trying circumstances, the people of the South have shown a constancy and devotion, rarely equalled, to a cause considered by them as sacred and holy. When they were exulted from the world, goaded around and penetrated by armies and navies, were powerful armies and the appliances of war than ever before marshalled against mere people; threatened with servile insurrection, suffering for food and clothing with surrounding seas and blazing cities on every hand; the conflict was continued until almost every household mourned the dead, and until its mighty chieftains and their most devoted followers had fallen, or, overwhelmed to numbers they could no longer resist, yielded. Terms or

offered and readily and gratefully accepted. We have evinced to renew our allegiance to the government, in a manner of sincerity, with hardly an exception. The immense bulk of the disloyal, authorized by act of Congress, was taken by the people. The abolition of slavery has been recognized in our fundamental law. The people abide by and support the acts of Congress, and the proclamations of the Executive of the nation in this respect. I feel assured and drawn by unfriendly parties to foment disturbance and distrust, yet the people are convinced the best interests and giving proofs of fidelity to the government than ever, in the end, convince all who honestly desire peace and restoration.

Among them a section of Texas for a greater of a century, seamlessly aggravated with all ten permanent citizens, having served in the Convention of the State for fifteen years, and shared the danger and toils of the late war in the ten states, recently mingled much with the people, and responded with them in every section of the State within the past few months. I claim to know something of the actual and real condition of affairs. I do not hesitate to declare that the great body of the people are earnestly desirous of responding with the obligations to the General Government. Let people who have won the respect and admiration of the world for their chivalry, high daring and fortitude, will not be doubted by generous and brave spirits when they assert their loyalty.

As the administration of the laws, it shall be my constant endeavor to recommend and aid in carrying out such measures as will ensure exact justice to all classes of men, of every political faith, religious creed, race and color. The changed relations so suddenly brought about, of the white and black races, will require of us much thoughtful consideration. It is a duty we owe alike to ourselves and humanity, to enact laws that will secure the freed people the full protection of all the rights of persons and property guaranteed them by our amended Constitution. The day is not far distant, in my judgment, when the black people will be convinced that their truest friends are those with whom they have spoken in youth, and who have cared for them from their infancy. I shall give the subject the closest attention, and shall not fail from time to time, to make such suggestions as experience may dictate, in order to render this class of our population useful to themselves and the country.

The condition of the frontier states will receive my serious attention. At the earliest moment I shall endeavor to secure from the General Government adequate and permanent protection, and will, at the same time, use every exertion I have such treaties, made by the proper authorities, as will insure future security to the people. In the event a sufficient number of the

cannot be procured from the government, for the protection of the frontier, I shall not hesitate to urge expenditures by the State for this purpose. The people of that region have already suffered with a patience and fortitude truly commendable. They are a bulwark to the older settled portions of the country, and if they give way, and are broken up in their homes, the loss of life and property, so long borne by them, will fall upon sections now enjoying peace and prosperity.

The prompt and efficient administration of the laws, their enforcement, and the protection of the life, liberty and property of the citizen; due obedience to the Constitution and Laws of the General Government, with a firm and just maintenance of the rights of the State; an early redemption of liabilities already incurred, contracting no new ones, without making adequate provision for their payment, with an endeavor to place the credit of the State at the highest possible standard; reforms in the laws, regulating the assessment and collection of taxes, so as to place the burthens of taxation equally upon the people; retrenchment in the expenditure of the public money, in every branch of the Government, where it can be done with propriety; requiring the interest due the School Fund to be paid, with as much leniency to Railroad Companies as a prudent regard for the fund, and the general interests of the country, will allow; the reorganization of the common school system, and the establishment of a State University, at the earliest period compatible with the depressed financial condition of our affairs; liberal encouragement to internal improvements; fostering the charitable institutions, provided for the alleviation of the suffering, and the improvement of the afflicted and unfortunate portion of our population; an earnest desire to assuage party rancor engendered by political differences, and to promote harmony and good feeling among the people; and a determination to satisfy the authorities of the General Government, that the people of Texas are loyally disposed, sincerely desirous of an early restoration, and worthy of it in the past and future times; animated by such sentiments I shall endeavor to conduct the affairs of the Government so as to promote the happiness and welfare of the people in every section of the State.

[illegible] fellow-citizens, that a road outward to the secession of the Southern States from the Federal Union, and executed what influence I had to prevent it and, as a sequelae in the Convention of 1861, voted against the Ordinance by which the secession. It would be an useless consumption of time to enumerate the reasons that impelled me to do so. Should as Texas, now still are, to that Government, to the end of my ancestors had contributed to rear, for the maintenance of the rights of man, and accordingly, from conviction of duty, to bear upon the cause of the union, as the peculiar symbol of freedom. It cannot escape from the blade [illegible] of citizens that secured on my right. But while

I regarded secession as impolitic and inexpedient, I boldly and earnestly declared upon that doctrine which already has created great confusion in the Union. I refused to use the military force against the States of the Union. Then the sword to arms, was made, however, I pursued what seemed to me the path of duty. I followed the feelings of a majority of my fellow-citizens, and shared with them the fate of the conflict. Others, who entertained sentiments similar to my own, took different views of their duty. I accord to them motives as pure and patriotic, for their action, as I claim for myself. Now, that the contest is over, I have felt it to be the most sacred duty of patriotism, to labor in restoring peace and harmony to our afflicted and suffering country. The people of this State are united in sentiment with this sentiment, and should it be the unhappy fortune of our common country to continue estranged, I am sure it will not be the fault of Texas.

Gentlemen of the Legislature, for the accomplishment of an enlightened and judicious policy of State Government, and a cordial restoration of our Federal relations, upon an most permanent is confidently expected. The career of Texas has been brilliant. She has had her days of darkness and misfortune, of adversity and prosperity. In all the vicissitudes of fortune she has borne herself gloriously. A long list of heroes, patriots, and statesmen adorn the pages of her history. We have their wisdom and example to guide us. Let us profit by their teachings, emulate their virtues, and trust those are worthy of their devotion to the country.

We are to-day, gentlemen, entering upon a new era, contributing another chapter to the already checkered and romantic history of the State. The surroundings are favorable — the future appears auspicious. But the patriot should not despair. Let each one of us perform our allotted parts, with an honest and sincere desire of the good of the country, and promote its future quiet and good order. Moderation and forbearance on the part of those in power, will have the happiest effect. If we act with sincerity we will be heartily sustained by our own people, and, at the same time, disarm those who would oppose us, and strengthen those who desire to assist us. Self-righteous people are to be avoided — a great nation is to be saved. We must exercise the purest patriotism, and the fairest decision is practicable. An enlarged and liberal charity should be exercised toward those who may differ with us in opinion. Great ends are to be accomplished, and no vituperation, and abuse of opponents, but dignified appeals to reason and the nobler impulses of the heart.

Fellow-citizens, I am at a loss what I have to say, on this occasion, without acknowledging to the people of Texas, the profound obligations under which I now labor to the high and unexpected honor conferred upon me. I know that I shall be unable to serve them with the ability which their situation demands

But nothing that energy and fidelity can supply, shall be wanting, on my part, to retain the confidence so generously bestowed.

Relying upon the intelligence and patriotism of the people, and expecting an enlightened assistance from their chosen counsellors, invoking the aid of the Great Ruler of Nations in our behalf, hoping that He will direct the councils of the American people aright, and finally, restore our afflicted country to perfect peace and prosperity, I enter upon the duties before me.

Executive Office
Austin August 4th 1866

Gentlemen of the House of Representatives

I have the honor to transmit herewith copies of Dispatches received by me yesterday from the State Department of the General Government; also a communication from the Hon James H. Bell, Secty of State of the Provisional Government. The papers referred to in the communication of Judge Bell will be laid before your Hon Body with the message that I shall communicate to you in a few days. I congratulate you, Gentlemen, that the people of Texas have once more a regular government of their own choosing. I have to request that you will transmit this, and the accompanying communication from Judge Bell, to the Hon Senate, for the information of that Body.

J H Throckmorton
Governor of Texas.

Executive Office
Austin, Texas, Aug 14th 1866.

Gentlemen of the Senate
and Members of Representatives.

Herewith I transmit (to the House of Representatives) the report of Charles L. Pease Commissioner of the General Land Office, in regard to the condition of that office, and the proceedings during his administration of that office, also a communication from the Commissioner Capt Cooper. I would respectfully suggest the appointment of a joint Committee to

Gentlemen, at an early moment, to make the correspondence requested by the Convention.

J W Throckmorton
Governor of Texas.

Executive Office
Austin, Texas Aug 7th 1866.

Gentlemen of the Senate
And House of Representatives

The accompanying officers, who, I presume, can have no reason to say otherwise, that, by order of Maj. Genl. Sheridan Provisional Governor, arrangements are made by him to pay the salaried officers of the State in Specie, and as a few of the District Judges and attorneys have not received their pay, and a question arises as to the propriety of paying such money upon subsequent appropriation, it is respectfully suggested that no doubt be raised or state that will relieve the officers of all doubt &c. The officers have had a remotely and have not been able to draw their pay, and my recommendation should give as well as those who have been more generally selected. — The Comptroller estimates that an appropriation of $15 000, Gold, or Currency equal to that amount, will be ample to cover the contingency. — There should also, I am informed, be an appropriation in Currency to meet clerks' and sheriffs' dues accruing on criminal prosecutions during the time of the Provisional Government.

J W Throckmorton
Governor of Texas

State of Texas
Executive Department.
Austin, Aug 15th 1866.

Gentlemen of the Senate.

I have the honor to ask your advice and consent to the appointment of Jno Ch. Freeze as Secty of State.

J W Throckmorton
Governor of Texas.

Note — Confirmed Aug. 17th 1866.

Executive Office
Austin, Aug 15th 1866.

Capt Evans.
Superintendent Freedmens Bureau.
Austin, Texas —.

Sir,

In accordance with a resolution of the Hon Senate directing the Sergeant at arms to prepare their Com'tee rooms &c. I have the honor to request that you will turn over to him, the room occupied by you in the Basement flor

of the Cabinet. It will afford me pleasure at all times to aid and facilitate you in the discharge of your duties, but it is now a matter of absolute necessity, for the proper despatch of business, that the archives should have control of the committee rooms.

Very Respectfully
J. W. Throckmorton
Governor of Texas.

State of Texas.
Executive Department
Austin Aug. 8th 1866.

Thomas S. Lee.

You are hereby authorized, to have recd to Milton Cooper, Commissioner of the General Land Office, or his Chief Clerk, the roll, papers, archives &c of the General Land Office, except such books, papers &c necessary for the use of the land committee of the Legislature, which you will place at their disposal. Together with any other papers, or other archives in the office that you may deem it be before the committee —.

Very Respectfully
J. W. Throckmorton
Governor of Texas.

State of Texas
Executive Department
Austin Aug 17th 1866.

General.

I have the honor to acknowledge the receipt of yours of the 14th Inst, acknowledging the receipt of petitions from citizens of Comanche County, asking protection. I regret that upon account unexpense for their defence, as well as for the defence of our frontier generally, for I am daily besieged with applications for such protection, and furnished with undoubted evidence of the fact that an inroad since the settlement of the country, have such depredations and outrages and depredations been committed upon our people by the Indians. On my conference, it is believed that there are in arms and that the inhabitants, who have since settled there are invited and their forces are destructive, if they do not add to their security.

I wish you would respectfully draw upon with reasonable facts of General Sheridan, and obtain favorable attention.

The fact to which I refer, as bearing in the way of furnishing the protection asked, that is the "maintaining interior garrisons" is a policy which "are disposed to believe, and have the most safe"

reason to hope, may now be safely discontinued, and I am assured that the laws of the land can now be peacefully, justly and efficiently enforced, without the presence or agency of the military, thus placing at your disposal sufficient civil means for public protection. Any urgent case can be submitted by Special Message, so soon as the Legislature is in Session, with the assurance that I will, upon any requisition in every manner, and to every extent that Texas makes one.

I have the honor to be, Sir,
Your obt servt
J W Throckmorton
Governor of Texas.

Hon Jas H. H. Knight
Comdg Dept Texas.

Message
of
Gov. J. W. Throckmorton,
to the
Legislature of Texas.

Executive Office
Austin, Aug. 18th 1866.

Gentlemen of the Senate and House of Representatives:

In view of all the circumstances constituting the history of our country for the last five years, the people of Texas have abundant cause to congratulate themselves, that, while other states have been rudely scourged, they have escaped the terrible realities of war, and have been spared the actual suffering inflicted by invading armies. Especially should we be thankful to the Giver of every good and perfect gift that, during a period of anarchy, when large armies were disbanding in our midst, composed in part of thousands who were not citizens, unrestrained by any authority whatever, without an organized government of any fixed responsibles, so much good order and quiet should have prevailed among all classes, and, after the most extraordinary sacrifices of life and property, with the utter prostration of the industrial energies of the country, that, within so brief a period, should with such universal disbandonment, such evidences of general prosperity should obtain as are now to be seen throughout the State.

It is the highest glory of civil people, one of their chief, intelligence and devotion to law and order. After the disbandonment of the Confederate army there were hundreds of persons, composed of citizens of other States, as well as our own, who were prone to every vice attendant upon a licentious and unrestrained soldiery, demonstrated by scenes of bloodshed, plunder, and a spirit of riot. These lawless characters unorganized in separate off-

indiscriminate pillage truly alarming, and which, on many occasions, resulted in great loss, both to the State and to individuals. Happily for the country, the timely return of our brave Soldiers to their homes soon put a stop to these disgraceful scenes. It is true that violations of law have continued to be not unfrequent, but it is equally true that such violations have not, perhaps, occurred more frequently than have occurred in other States with regular government.

In connection with this, my first requisite message to the Legislature, I suggest the want of some more efficient and comprehensive codification of all the statutes of the State, so long neglected, and which remains so much needed consideration. I shall endeavor to confer with such calling your attention to the more prominent and pressing needs of the State, and submit the information I have been able to obtain, with such suggestions as appear to me to be proper.

Education.

The Constitution requires the Legislature to make suitable provision for the support and maintenance of Public Schools, making it obligatory, as early as practicable, to establish a system of Free Schools throughout the State. A due amount of the Public Domain has been set aside, together with one-half of the proceeds arising from the sale of all lands as a basis for a perpetual School fund. The fifth section of the tenth article of the Constitution says: "The Legislature shall provide from time to time, for the sale of lands belonging to the perpetual School fund, upon such time and terms as it may deem proper." This is of the greatest importance to get the System to work at the earliest practicable period, and it can not be done, except by using the interest accruing on the principal of the fund invested, or by resorting to taxation. It becomes a question for you to determine whether or not laws should be enacted at this session to carry into effect this requirement.

These lands should not be forced into market in large amounts and only such as are most likely to command reasonably fair prices. It is not reasonable that there will be any considerable demand for them for some time yet to come. But it may be well that a law should be passed, leaving a few sections, the alternate sections, the first notes of which are in the General Land Office, allowing parties to purchase specific sections, or aliquot parts, say quarter or forty acres.

The sixth section of the same article of the Constitution places the lands therein granted to the counties for educational purposes under the control of the Legislature. I would respectfully suggest the enactment of a law that will authorize the sale of these lands, leaving each county to determine the time of bringing its lands into market, and the amount to be sold from time to time; requiring the counties, before offering to sell, to section and subdivide the sections proposed to, and depositing the maps, plats, and field notes, or certified copies to

The General Office, but as the interest accruing on the permanent State School Fund could also be used the same time thereof in other kind of interest bearing stocks or bonds the proceeds arising from the sale of the school lands will be invested.

The second section of "an act relative to Common School and University Lands and the same disposed" enacts "that all the five per cent. School Lands and Seventy three thousand acres granted by the act of Congress approved March 2d, 1861, shall be and the proceeds of the same shall be received by the State, shall be received as said fund" "shall an amount of these funds that have been or may be received by the State, shall be invested in bonds of the State of Illinois, and the proceeds of the sales of said lands shall be invested in other bonds of the State, or other interest bearing stocks."

There are five per cent. bonds of the State in the Treasury to the amount of $320,567.15, other bonds of such State amounting to $11,239.71, and non-interest State warrants to the amount of $234.27, that being the School Fund, and some interest to its credit, on account of other moneys transferred to the State Treasurer on account of necessity of law.

Under the third section of the ordinance attended passed by the regulation is restricted from absolutely investment of any portion of the State to the School Fund not invested in United States stocks, for since that time the Legislature has the disposition of the lands and moneys thereof be.

There was on January 11th, 1862, $ 50,000.00 State bonds, and interest coupons to the amount of $ 37,125.00 were transferred from the school fund to the State Treasurer, of these bonds $ 12,000.00, and interest coupons amounting to $ 24,875.00, were turned over to the Canadian Government. The State credited to the school fund for $ 50,560.00, of this amount received from the General Government, and paid into the State Treasury, leaving $ 62,000.00 unpaid, and deposited in the Treasury of the United States.

In compliance therefore, with the ordinance referred to, interest bearing funds of the State, in other states, should be placed in the Treasury to the credit of the fund, corresponding with accounts the funds already, or that may be hereafter, credited. I call your attention to this subject.

There is also in the Treasury, due the State, $ 1,753,317, interest bearing bonds of railroad companies, with interest due upon said bonds on the 1st March 1866, amounting to $ 201,209.89. I have made no formal opinion as to the validity of the proceedings of this ordinance.

I would suggest a thorough scrutiny into the condition of the securities in which the School fund, with a view to such as will be most likely to secure the fund first loss. I would advise a careful and most judicious course, believing that rigid measures will be no

likely to defeat, than accomplish the object desired. The contractors, like individuals, suffered much pecuniary loss during the war, which was made use used by the Government, and when compensated at all it was in depreciated currency, than finally died on their hands. In the meantime, the iron was wearing out, cross-ties rotting, road-beds giving way, and nothing back becoming worse and useless. By no fault of theirs, however, they have failed to comply with these obligations, which they were entered into. The country was enjoying profound peace — an unfortunate war and its disasters have prevented them from complying with obligations which would otherwise have been easy of fulfillment.

Of available assets in the Treasury belonging to this fund, there is, specie, $ 567.60, and over-interest bearing United States currency, $ 17.263.06. I would recommend the investment of these sums in State, or General Government securities. If invested in State bonds the money should be transferred to State Treasurer account. It is made the duty of the Governor, with the advice and consent of the Senate, to appoint a Superintendent of Public Instruction. This is an important office, and absolutely necessary to the successful establishment and working of a Common School system. I would recommend the passage of a law defining and prescribing the duties of such officer, and providing the necessary appropriation to carry the same into effect.

University Fund.

I would upon attention to an ordinance, which requires compromise bonds of the State, to be placed to the credit of the University Fund, in lieu of the United States bonds belonging to this fund, which were transferred by act of the Legislature of January 31st. 1860, to State Treasurer account, and suggest the necessary action upon your part to effect the intention of the Ordinance. The amount of bonds and interest due at the time of transfer was $ 169.412.26, which will require a corresponding amount of State bonds.

Under a law approved August 30th 1856, 40,000 acres of University lands were disposed, and 38,323 acres were sold, at an average price of $3.343 per acre. I would invite your attention to the law referred to, and to the report of the Commissioner of the General Land Office, in relation to the sale of the lands. The law needs some amendments, and I desire the Legislature to consider the necessity of making further sales, from time to time, as the lands are likely to command fair prices. It is my opinion that the sale of marketable quarter sections, selling alternately, should be continued.

There has been paid into the Treasury, on account of sales of University lands, $ 126.342.90, and there remains yet unpaid, principal $ 70.230.92. The amount of vested funds up to April 1st, 1865, was $ 48.924.42, and the approximate interest due on it this year 1868 is $55.558.86. — In the event that the sale of these lands is continued, I

land suggest the propriety of investing the securities in interest bearing stocks of the State, or the General Government.

I would ask your attention to an apparent conflict between the eighth section of the tenth article of the Constitution, and the ordinance in relation to the School and Educational Funds. The first provides, in substance, that the State is liable to this fund, for all moneys borrowed, or otherwise received, and subsequently transferred to other accounts, and always held by Comptroller's certificates of State indebtedness. The ordinance, which exists the Legislature from providing "for the payment of any claim or pretended claim against the State" to said fund, not consistent with them.

If the latter prevails, the "Commissioner of Comptroller's certificates of indebtedness" should be credited with the money from, and the J. L. 1836-39, the present State indebtedness, or otherwise, and the proceeds to be added to the school fund.

General Observations.

In the absence of information, it is useless to make any suggestions regard to the operation of the various systems, and, indeed, any report is made at some future session, it could only be offer crude ideas for consideration.

The view of the internal improvement system, contained in the thirty sixth section of the twelfth article of the Constitution, as our railroad system, or becomes a question of the greatest importance, and consider what plan of Internal Improvements should be adopted by the State.

I am clearly of opinion that the system heretofore adopted of giving the School Fund, under the restrictions contemplated by the law, at cost, the speediest mode of securing success, was judicious, and had it not been for the interruption of the war, would have secured to the School funds a safe investment, and to the people a certainty of success in the completion of all the railroads necessary to the wants of the country.

The system adopted was overthrown by the indiscriminate granting of charters, instead of confining the loans to a few main lines until they were completed, and then adopting others, and rigidly adhering to one line of policy as would have given strength and permanency to the plan.

I am not sure that it is wise policy to abandon the loan system; but as it appears that the people are in favor of another plan, and that it is not safe to invest the School fund in the bonds of railroad companies, it becomes us to address ourselves to the important question with sober earnestness; not for the purpose of securing the success of local projects, but with a view to adopt some plan, permanent in its character, and which will give confidence to the country, and encourage capital to invest among us. I am free to confess that my ideas are not well matured; but, if it is intended that the State shall guarantee the bonds of railroad companies at the rate of $5,000,00, or less, per mile, a few prominent lines, that penetrate the populous and wealthy portions

the State, should be selected as objects of State aid, and these lines should receive all the support and aid of the State until completed, at least a length of lines finished as will insure completion.

The actual and pressing wants of every section of the State require that the Legislature should maturely consider the question, and devise such a system as will give confidence to capital, secure the great object in view, and, at the same time, guard against extravagant and visionary applications of the credit and funds of the State.

I feel it my duty to urge upon the Legislature the impropriety of granting, indiscriminately, railroad charters. Much harm has already resulted from this policy. I have been, perhaps, as much to blame for it as any one, but experience has taught me the folly of such a course. Doubtless some of the old companies will appeal for relief, and ask longer time for a compliance with previous requirements. To such companies as have, in good faith endeavored to build their roads, and expended much money, a liberal policy should be extended. I apprehend, in some cases it may be necessary, in granting relief, to protect the rights and interests of stockholders who have paid their stock, but who have been excluded by not being able to be present at the meetings of stockholders and directors when their interests were disposed of.

Finance.

There has been received into the State Treasury from all sources from October 13th, 1865, to June 30th, 1866, Specie $79,951.21; bank bills $43.00; non-interest United States currency $214,477.13; U.S. currency bearing interest $910.00; making a total of available funds of all kinds $255,880.34.

The expenditures for the same period have been $195,851.79. If the account, $48,531.01 was specie and $147,303.78 currency.

I would invite your attention to the report of Geo. C. Green, acting Provisional Comptroller of Public Accounts. The report is full and satisfactory as to the operations of the fiscal affairs of the State during the term of the Provisional Government. I would also request the careful consideration of the suggestions contained in the communication of H. C. Richards the present Comptroller. As a matter of course the tariff time allowed has not permitted that officer to do more than touch upon the most important subjects. I concur with him in the view that changes should be made in our tax laws, and urge a careful consideration of the wise suggestions of him. I think it is clear that the assessments should be made according to the specie value of property, and the collections in paper, or in currency at its specie value. There is no other system that will work equitably in the State. Under the present mode of assessing in specie and collecting in currency at its face value, the State revenue is greatly the sufferer. It is impossible for the accounting officers to make accurate estimates of the anticipated receipts and expenditures of

Government. The Legislature should regulate this by law, and the monetary affairs of the Government should be on a better basis.

The Comptroller should be authorized to dismiss inefficient and delinquent assessors and collectors, and should be required to enforce this regulation rigidly whenever failure to make returns and settlements occurs at the time required by law. In addition to this it should be a penal offence to fail to pay over money when due.

The mileage allowed the assessors for travelling to and from the capital, when they make their final settlements is not sufficient and should be increased. The tax upon occupations yields a very small amount of the revenue; it operates oppressively and unequally upon many who have to submit to it. I trust you will abolish it, and in lieu of it impose a tax upon incomes above a certain amount. Such tax should be a specific, and graduated so as to increase in proportion to the amount of the income.

Frontier Protection.

Information is being received daily of Indian depredations. Their ravages are more serious than has been the case for years. Formerly they only appeared in the settlements at night and used every precaution to keep their movements from being discovered; but for the last several months, they have appeared in considerable numbers, along the entire line of frontier counties in open day, travelling roads, and incamped [illegible], approaching near the very streets of the border county towns, making no effort at concealment. The loss of life has been alarming, and quite a number of children have been carried into captivity. And our defenceless women have been violated in the most shocking manner, and afterwards brutally murdered. One white woman, and one negro woman captured, were carried to a very inferior village, and there reserved for a life of hopeless misery and wretchedness too terrible for contemplation. From information derived from the Agency at Fort Arbuckle, I have reason to believe that these unfortunate captives and three white children, have been ransomed by an Indian trader. Your honorable body should appropriate a sum of money — perhaps $ 2,500 will be sufficient, to return these prisoners. I do not desire to set a precedent of paying for prisoners, and will urge upon the Government stringent treaty regulations, requiring prisoners to be given up without pay, and making it a cause of an exterminating war for any tribe to have captives or violate treaties entered into. But as these unfortunate people of our own State have already been released by the humanity of a stranger, and as it may be in his power to afford further relief, I feel that we should, at least, ascertain truly what amount he has advanced, and return it to him. Besides these cases, I know of another private individual [illegible] ransomed by a citizen of Texas, who while endeavoring to recover his own child recovered a little German girl, that was captured near Fredericksburg.

I have already opened a correspondence with General Wright commanding United States forces in this State, and asked of him that it

Frontier Guards involved. I shall endeavor to urge this upon every officer, to whom it is perhaps to apply, credit we get relief. In the meantime it may not be improper that you should devise some means to collect and protect the frontier families, in the event of a failure to get the necessary assistance from the Government. I believe the plan adopted by the Legislature in 1864 is the best policy that can be devised. It will require some amendment, but the general plan is good, and will be less expensive perhaps, than any other. Notwithstanding we are necessarily poor, and must pay heavy taxes for some time to come, yet money should not weigh against the blood and lives of our people. The frontier line is rapidly receding. It will require prompt and vigorous action to keep the line where it now is. Although the frontier is sparsely populated, yet the people pay heavy taxes. But furthermore it is the wealth of that region. It is the finest and one of the greatest sources of wealth in the State. The assessment rolls show, in Montague county, which has only about one hundred voters, stock cattle to the number of 30,000. Erase or a fair sample of the wealth and industry is with exposed in this species of property along the whole frontier border. Never the most determined and resolute people on earth could have maintained so long the expenses and dangers to which they have been subjected. Recent credible information satisfies me that thousands of cattle and horses are being driven off continually by a few bad white men and Mexicans, connected with the Indians, in New Mexico, the Western Rio Grande, United States forts and north Mexico. The connection with the question of frontier defence, I would respectfully suggest to your consideration. The propriety of selling to the United States, the country lying North of Red River, to be used for Indian purposes; stipulating for the establishment of military posts, to be occupied by the officers commanding in this Department and the Executive of the State; also, as last consideration, stipulate with the Government for indemnity to our people for losses sustained on account of the Indians.

Tonkawa Indians.

These Indians have always been faithful and true to Texas. At the beginning of the war they, with other Texas tribes, were living at the United States Indian Agency, near Fort Cobb. Some of the other bands combined against the Tonkawas and a terrible conflict ensued, in which these people lost their gallant old chief Placido, and more than one-half of their entire number. Sometime afterward they fled to Texas for refuge. Since their return they have been supported by the people and the State Government. At this time they are supplied with rations of beef and bread by the General Government. The people of Texas owe this unfortunate remnant of a once powerful tribe, a debt of gratitude for their long, and unswerving fidelity, not easily paid. They number now only about one hundred and fifty souls. I would recommend that the State recognize the appointment of our agent, who shall take charge of, and settle them upon lands, to be reserved for them and their descendants, as long as they will remain upon it, and that may be suitable

for putting our [illegible] interests [illegible] and [illegible] with [illegible] appropri-ation of [illegible] seven thousand dollars to be [illegible] sixty two cents, [illegible] and [illegible] density and [illegible] informed that [illegible] the State will [illegible] the General [illegible] These portraits [illegible] as the best [illegible] and [illegible] that can be found. [illegible] permanently near a United States [illegible] of great service.

United States Bonds.

I herewith transmit [illegible] Governor [illegible] Morgan C. Hamilton [illegible] with the correspondence of that gentleman with various parties in England [illegible] of the United States [illegible] bonds, and [illegible] on the [illegible] 1866, for the purchase of arms [illegible] for the State [illegible] history of the whole transaction [illegible] made [illegible] Droshei & Co. their accounts and papers accompanying [illegible] report of Hon C. M. [illegible] and others [illegible] to investigate the condition of the [illegible] as well as the [illegible] instructions [illegible] correspondence with the parties [illegible] the Provisional Governor.

[illegible] and am [illegible] to suggest what course should be adopted [illegible] to protect the interests [illegible] with the suggestion [illegible] perhaps the [illegible] would be [illegible] the bonds, and indemnify the State. [illegible] United States Treasury, at the urgent request of the [illegible] have refused to pay them for the present. [illegible] discharged the trust confided to him with [illegible] and strictly guarded the interests of the State. [illegible] a debt was contracted of £36 4-8, [illegible] This amount should be ascertained and [illegible] There should also be a settlement of the accounts of [illegible] papers connected therewith, [illegible] were sold by them. In addition to this [illegible] to bear his expenses &c. [illegible] for the failure of the trip, it is [illegible] that they should be allowed a fair compensation for their services. Your attention is [illegible] to the report of the Commissioner appointed by Governor Hamilton [illegible] referred to in regard to $156,275.00 bonds and coupons, [illegible] contract of the [illegible] Board to [illegible] and [illegible] the State received nothing in return. [illegible] bonds have been paid off by the Treasury of the United States, [illegible]

[illegible] of these as aforesaid, and any further payment was bonded. The terms of the contract under which these bonds were placed in the hands of Hale & Chales, were certainly very singular, and would indicate any thing but a just transaction. Be this however as it may, some steps should be taken to protect the interests of the State in regard thereto, and I ask such action as the Legislature may deem best.

Gen. C. B. Nichols received from the Ala. Military Board, a balance of $12,450, which he says he has to settle and account for. Upon receiving the bonds, he transferred to Hale & Chales $7,750 in bonds. The company then demanded payment for their contract, and on refusal Mr. Nichols proposes to return the bonds upon payment of the advance made by them. These are the transactions of the Military Board in regard to the bonds, matters which require investigation at your hands, as well as the operations of other public officers, which I have not had time to thoroughly investigate. It will be seen in reference to the report of the President of Military Board, that suit has been instituted against Gen. Nichols for the account of the contractors, and for a large amount alleged to be due from him for bonds, which passed through his hands as State agent. It is hoped that these things should be rigidly investigated, and such measures be enacted as may be necessary to secure the interest of the State.

Immigration.

The subject of labor is one of such importance to our people, and there is a feeling among other States that will engage your attention, I know, and which is sure to be calculated to have a great influence upon the future prosperity of the Country. The encouragement of foreign labor seems to offer the best means of obtaining the labor necessary to the actual wants of our people. Commercial companies have already been formed, and are in process of formation, such as will in great degree relieve upon the subject. I would recommend that laws should be passed, carrying out the objects of the ordinance "Establishing the Department of a Commissioner of Statistics for the information of immigration". How this is best to be accomplished, your honorable body will determine. To make the experiment successful, an intelligent commissioner should be appointed, with such assistance as may be necessary. Whose duty it shall be to collect information in regard to the mines and resources, productions and population of the State and to diffuse and publish such documents as may be calculated to furnish correct information about all the resources of the State. The agricultural and manufacturing capacities, climate, health &c. &c. Such information properly prepared and disseminated, would certainly lay the groundwork of success. The matter of the subject, part should be had to require of those in charge of any duties imposed, that commerce, passport, & c from other countries or States, should be excluded. That no mines or industries of a certain class of people, who will be a burden to the State, entitled to the support due those as such, and to the great

protection of the laws, and it is only for wholesome and wise advice to participate, in common with the more profitable, in establishing and controlling the future destinies of the State.

Laws for the protection of the enterprise, and employed should be enacted — contracts to be necessary lines to be altered, just, at home and abroad — advances made to be secured, and a liberal and the free-labourer of the immigration and the free labourer, and the free labourer, and the free labourer.

Such liberal policy as one governed protection also, are recommended as indispensable to the future interest and security and necessary for the purpose of retaining and attracting such skilled and other information as may be necessary. I do consider the Government offers strong inducements to the industrious and intelligent man than Texas. The immigration should be given the encouragement which it deserves. The tax on teaching and religion should be drawn to support and encourage and to day other large sums and direction or disbursement of State-stocks should be Texas into some part of the Union.

Texas is rich as an extensive market-capital, fertile, well watered, with a beautiful climate and rich in the production of orange and a direct trade with the nations of the world. The productions of our forests would have easy access to the market of the world. I cannot commend too earnestly to your favorable consideration the propriety of affording this encouragement. This should be done, it seems, and agree with me as to its feasibility, is a question of some importance. Texas is eight a country of lands, to be treated beyond the necessities of surveys. The title to be vested out of the State after the continuance of such line of steamers in the trade for a specified time (say ten to twelve years) would perhaps be the only resource at the command that could profitably be resorted to for this purpose.

Freedmen.

There is a high duty devolving upon the people of the South in relation to this class of workers. They are entitled to our sympathy, and should receive every care and attention that may conduce to their prosperity and make them to become useful to the country. State laws should be drawn so as to secure other and additional labor, yet we should not neglect what I have to advert to at our command, and by reasonable efforts should be made to satisfy the black people, that with proper conduct on their part their rights will be secured. Laws should be enacted carrying out fully the provisions of the eighth Article of the Constitution, in securing to them protection of person and property. We should here avoid their free, and under proper guidance, for the want of security and stability of position, have been by the partiality of them, for they are a portion of the industrious people, all agree that the education, both being neglected in childhood, and are worthy of

the one last and low, and national character.

The Eleventh Section of the Ninth Article of the Constitution requires that every person elected from vacancies, or vacancies of elections, shall be commissioned forthwith for the unexpired term of such service, for the election of officers and their duties.

It seems, at the present that very little revenue could be collected from the freed people, or least sufficient to be of service in the way contemplated. Yet, it is proper to bear in mind the original purpose. That the obligations imposed by the Constitution should be faithfully carried out.

It is desirable that all military force, and the agents of the Freedmen Bureau, should be withdrawn from the actions of the State. The next reason was to effect the object will be the enactment of just laws for the protection of the blacks, and their rapid enforcement. I am well satisfied that our people will do justice to the freedmen, inasmuch as there is a laxity in enforcing the laws; in particularly as it is this class of people, not generally, that require the severe consideration of the civil-making power of the government. Police officers and magistrates should be revised, under penalties, if, upon proper evidence, they should be imposed upon them of preserving the peace.

Penitentiary.

The report of the Superintendent and other officers will here more minutely show their actual condition. Although it is not as the convicts of the penitentiary, the number of escapes is increased, yet it is observed, that rather more than the total number of convicts was 1,0, there were number 261, showing an increase in a period of twelve months of 140. Other facts may be gathered and suggested, the most prominent of which is some extraordinary fatality among the number of convicts, 95 are white, men, 21 are females, 4 are Indians, 17 are negro women.

The Superintendent and Directors suggest some amendments to the law governing the institution, especially in regard to the general management, and the allowed charges, which I recommend that a separate bill, the training as more remarked beyond its temporary expiration, and I suggest the necessity of a foreign court additional as may be necessary, I respectfully refer to the report of the proceedings of the institution, for more fully a description of the matter. Since since the present agent C. B. Reynolds, since the 24th of February 1865, to his appointment a large deficit of the income of the penitentiary fund, this fact a statement of this account shall be laid with the accounting officer of the State.

The prison contracts which not be issued to increase the expense of the additional buildings, or the adoption of some other system which will greatly augmented labor. Inasmuch necessity may be avoided by the proper employment. Various suggestions have been made, through the

public prisons, some of which are indeed intolerable, and appear totally of being entirely useless. It has seemed to me that indispensably the system will be to establish the county lines of the district where the emergencies are already necessarily indicated, and either have one of the town make arrangements for the State to apply in. It has only occurred to the points where these courts are situated in Lincoln, Nebraska, as this would be an experiment which might be the determinate of putting in such a system.

It should be considered also to settle, where the accused are sufficient grounds, might also be considered. There are certain great inconvenience in different parts of the State, and in, in the operation of this kind of machinery. Being it is said that it would be considerable quantity sufficient to justify, the cost of the State, of course no better way than this of trying a preliminary trial of the system. I think we have we are in sufficient grounds to make all the arrangements necessary to the enactment of the proposal.

If, as said, this could be made at Nebraska, Omaha, and in the line of Kansas, it would insure the construction of a railroad between those points that the time can be made greater than any other route has ever yet demonstrated, and the most perfect, [illegible] as it is the quickest and in always of the best [illegible] of time. At a moderate cost the State such this [illegible] that there can be no better investment expected. [illegible] I do not the subject to proper consideration.

Criminal Courts.

The great number of criminal for petty thefts, misdemeanors and offenses that the district courts of criminal jurisdiction, [illegible] should be tested. Such a number of [illegible] as are now troubling the [illegible] of Lincoln, who have been convicted for the first of misdemeanors, that in the [illegible] of the [illegible] of the district courts in the two county towns, in some small town, [illegible], by [illegible] in the county seats, county buildings, or in other [illegible], [illegible] might determine would be more [illegible] in the county. [illegible] the cost of criminal, [illegible] in the [illegible] of the counties. It would [illegible] be [illegible] in such cases [illegible] for [illegible] of the offence.

Perhaps the [illegible] is [illegible] for the [illegible] to as to include civil [illegible] from or [illegible] and [illegible], only [illegible].

Judicial Districts

Also as I [illegible] showing where [illegible] [illegible] of [illegible], the [illegible] of the [illegible], [illegible] the [illegible] of the Judicial Districts.

This [illegible], however, for [illegible], should be

necessarily [illegible], and the expense [illegible] in this department [illegible] be tried at the earliest moment. I am fully persuaded the number of districts can be cut down to twelve, or thirteen, without detriment to the business of the Courts, and without imposing more labor than [illegible] contemplated by the ordinance. If some districts are dispensed with it will be a saving to the State of [illegible] annually. And I most earnestly ask of you [illegible] order, so that you will accomplish an object so desirable.

County Courts.

Your attention is directed to the 6th Section of the 4th Article of the Constitution. This provision says the County Court "shall have jurisdiction in all misdemeanors and petty offences, as the same are now, or may hereafter be defined by law" and of civil cases, when the matter in controversy, exclusive of interest, does not exceed five hundred dollars, "under such regulations, limitations and restrictions, as may be prescribed by law." The jurisdiction is positively conferred, and it devolves upon the Legislature to prescribe the manner of its exercise. The criminal part of the jurisdiction has become a necessity — otherwise the counties would be exhausted in jail fees &c. And I am of opinion that a law prescribing the regulations under which the civil jurisdiction conferred may be carried out, will be advantageous in giving a cheaper remedy to litigants, and in relieving the labor of the District Court.

The question of compensation to the Judges and County Attorneys, is one of some importance. I think [illegible] that it may be satisfactorily determined by classifying the salaries of those officers, to be paid by the respective Counties, according to the population in each county. That is, by fixing a minimum salary for counties of a population of five thousand or less; a middle salary, for a population of five thousand and over five hundred, and so on. Or, if this plan should be objectionable, let their remuneration be regulated by their fees of office. I think this, however, the most objectionable. The Counties will save in expenses, by speedy trials of criminals, largely more than enough to pay these officers.

The Asylums

During the war the Asylums have necessarily been neglected, though kept up. The report of Dr Graham of the Lunatic Asylum, which I submit, [illegible] details of the operations of that institution, since its foundation [illegible] of [illegible] to the unfortunate members of the community, for whose benefit it was established.

[illegible] to which [illegible] humanity is subjected [illegible] more worthy of our sympathy, than that inflicted upon the [illegible] submitting [illegible] the attendance of this institution.

seen in a [illegible] [illegible] [illegible] [illegible] [illegible]. The [illegible] and [illegible] [illegible] of the [illegible] Orphans. During the [illegible] of the [illegible] [illegible] has had [illegible] [illegible]. The number of inmates has been [illegible]ing from forty-five to sixty-five. [illegible] a number of [illegible], [illegible] and attendants, as well as medicines etc.

For the [illegible] and [illegible] there has been paid [illegible] $[illegible] [illegible] and $[illegible] for [illegible] [illegible]. The [illegible] is $5,834. [illegible] This great difference should [illegible] [illegible] should be in the [illegible] of the [illegible] [illegible] just to say that the [illegible] [illegible] have easily [illegible] [illegible] [illegible] would [illegible] be considered as [illegible] and accorded [illegible] [illegible] "[illegible]" [illegible] [illegible] [illegible] as [illegible] [illegible] [illegible] in [illegible] [illegible] the workings of the [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] the possibility [illegible] [illegible] [illegible] [illegible] [illegible] education, that would [illegible] [illegible] [illegible] support.

The [illegible] for the [illegible] [illegible] [illegible] of funds to carry it on [illegible] the [illegible] [illegible] in operation since. [illegible] [illegible] been considerably injured and [illegible] [illegible] control there for a while.

I would suggest that a committee [illegible] [illegible] into the wants and necessities of [illegible] [illegible] be made as are necessary, to put them in good working order.

While in this [illegible] [illegible] the want of an Orphans' Asylum, and [illegible] [illegible] pecuniary condition at this time, [illegible] [illegible] now required of us, but the [illegible] that "he who giveth to the poor, (orphan) lendeth to the Lord," and I hope [illegible] distant day, to see the orphan children of the noble dead, who now sleep on the many battle fields of the South, [illegible] the [illegible] [illegible] institution: for the descendants of our valiant soldiers, who died fighting [illegible] according to the laws of Texas, should never be forgotten. [illegible] [illegible] monuments to perpetuate the memory and glory of her honored dead, may we not care for the children of our own [illegible] heroes.

It has been said that "It is sweet and [illegible] to die for one's country", but when the people see the destitute children of our Texan soldiers, who fell at Manassas, Gaines' Mill, Sharpsburg, and on an hundred other fields of glory and renown, [illegible] for, and neglected [illegible] State, [illegible]

will be the executive for there is due in future for their country & Justice to the dead, and duty to the living!

Public Property

There is considerable public property in the city of [illegible]. I am not advised of any disposition that has been made of it. Perhaps the artillery, small arms, and army stores, are regarded by the authorities as captured property belonging to the General Government. At any rate, the matter should be investigated, and such as the General Government may not care to relinquish should be disposed of. I would advise the appointment of a committee, whose duty it should be to ascertain the character and description of this property, so that steps may be taken at once to take care of or dispose of it.

Geological Bureau.

The Geological Report of Dr. [illegible] Moore, the late State Geologist, was not completed by him, and Dr Buckley, the present State Geologist, has handed me a manuscript report written by himself & Dr Moore, which he has requested me to lay before your honorable body. I would ask that the Geological Report be properly examined, and such steps taken in relation to the whole matter, as you may deem proper. It would be well at the same time to determine whether the operations of this Bureau should be resumed.

Congressional Districts.

At as early a day of your session as may be possible I would suggest the passage of the necessary law defining the Congressional Districts of the State, in order that the people may have sufficient notice of the time of holding the election and that the election may be made, and our Representatives be in Washington at the meeting of Congress.

Stay Law.

[illegible] the question of a repeal, or modification of the Stay Law [illegible] your immediate attention.

I would advise that this law be so modified as to fix a time, say twelve months hence, when creditors who have judgments against [illegible], or debts contracted before the war, [illegible] to pay [illegible] portions of the debt and interest be paid in [illegible] installments [illegible]. The same rule with some modifications, [illegible] debts contracted during the war, [illegible]. As these executions cannot issue until [illegible] of the war, [illegible] time allow a stay of four months.

I believe the great business wants of the country demand

[illegible] Capital is afraid to invest; and afraid to come here. Those who owe debts [illegible] are creditors in many instances. If the [illegible] one hundred dollars would [illegible] payments amounting in the aggregate to thousands, [illegible] would [illegible] the [illegible] of [illegible] amounts.

As the law now stands, this is seldom done, for the [illegible] that where there is a man who receives the money due him [illegible] and will not pay his neighbor whom he owes, [illegible] communities [illegible] may be [illegible] their debts [illegible] rather than [illegible] their debts.

The [illegible] of this policy [illegible] business [illegible] of the country [illegible] those who [illegible] this class of men have [illegible] accumulated wealth and [illegible] pay, [illegible] upon the [illegible] of the country, [illegible] I trust you [illegible] [illegible].

Reports &c.

Accompanying this message, you will receive [illegible] reports from the heads of departments, and [illegible] the [illegible] Governor [illegible] have been [illegible].

I trust [illegible] will give [illegible] the proper investigation, and take such steps in regard to [illegible] as the interests of the State demand. The reports [illegible] and [illegible], I have not been able to find in [illegible] but they are of record in the State Department and will be furnished to any committee that may desire to examine it.

Amendment to the Federal Constitution.

I [illegible] communicate a copy of a Joint Resolution of Congress proposing to the several States a Thirteenth Article to the Constitution of the United States. This which has already been ratified by the requisite number of States, has been adopted, and being so proclaimed, is no longer an open question; it is not considered necessary, if appropriate, that the Legislature should take any action upon the subject. If however your honorable body, for the sake of conformity should deem its ratification proper, I do not conceive that it would be at all objectionable, though the only effect would be again to commit the State to the principle of the article, which was fully done by the action of our late Convention.

I have the honor to be an attentive copy of a letter addressed to me by the Secretary of the Treasury of the United States, a portion of which relates to the Constitution of the United States.

Other propositions have been recently submitted and moved, but I prefer the first suggestion, as it has been thought may be regarded advantageous, as a whole, of the proposed article, for being, as my opinion, indisputable correct and explicit.

By way writing of the matters, the effect of the adoption of the third section of the article will be to restore the State, for nearly a quarter of a century, of the services of her adopted children, at a time and under circumstances which render that service more valuable than during some of the history. Thus, and certainly in recent conditions, the most important Territories will be secured for more rapid settlement of the population, which will occur to upon minds, rendering very decisive benefits. I recommend the unqualified rejection of the proposed fourteenth article to the consideration of the United States.

Conclusion.

I will state in conclusion, that the time in which the message has been prepared, since the receipt of reports from the different departments, some of which have not yet been received, has necessarily rendered it imperfect. Some subjects, also, of importance, have been omitted — for want of time to examine them properly, which will be attended to in a special message.

Of Texas in relation to Mexico, that the 18th Inst. I received a communication from Mr. Freight, in reply to a memorial of citizens of the frontier, forwarded to him by me, which, with my answer, will be handed you with this message, and after having been read, I desire may be returned to the Executive Office.

Of Santa Fe this communication without bearing testimony to the zeal and skill displayed by the officers of the State in conversing by the officers of the army stationed there, and also to the harmony in the intercourse and agreeable manner in which they mutual duties, kindness, and liberality of feeling between the Texan and State governments will create the same character between the citizens of every section of our common country, and I sincerely pray and encourage such a course, notwithstanding between Northerners and Southerners, Europeans between Texans, who have differed in opinion and action, for the last few years.

Letting Harmony and concord may characterize the action of our Government body, during its important labors, at this critical epoch of our history, and with our country, may provide a path for our people, as this is a period the happiest and prosperity of the country.

I have the honor &c.

Very Respectfully.

J. W. Throckmorton

State Street
Executive Office
Columbia City, Ind. Feb.

To Hon. Morris.
Brook Ind.
Dear Sir:

I enclose you
something very much like the daily deliberations of the "Grand Jurors" in the county of Whitley. Tell you it is good, I don't know whether it would be a new event. And will not be so good as to give the best singer some is the effect that their busy actions produce.

Very Respectfully
Your Obedient Servant
J M Throckmorton
Governor.

Executive Department
Columbia City Ind. Feb.

To Hon. Morris.
Brook Ind.
Dear Sir:

Your letter
received. Accompanying, I send you the Affidavits of Messrs. Hilker and Taylor, also, copy of resolutions passed by the prominent citizens of Bell county, and the letter addressed to respected citizens Washington & Walker, with instructions, for the receiving of an meeting of the citizens of Bell county, on the subject of the cases of Dunn and Duncan. With the hope that the commission may have a pleasant time, during their sitting, and determine the questions upon, the merits to consider, so as to do entire justice to all concerned.

I have the honor to be
Most respectfully yours
J M Throckmorton
Governor of Texas.

State of Texas,
Executive Department,
Austin, Tex. 20th 1866.

Maj Genl A. H. Kelton
Adt Genl &c.

Dear Sir:

I have the honor to acknowledge through your office, the communications of J. J. Mackey, to Maj Genl O. O. Howard, Commissioner of the Freedmens Bureau, Washington, D.C. concerning the case of "George Gray, a freedman convicted under the Slave Code of Texas," &c, asking the intervention of the Freedmens Bureau in his behalf. These papers were directed to the care Gen. Bell, Provisional Governor of this State, but were not received by him, and came to hand by ordinary post office. I write for the purpose of saying to you that I will at once proceed to investigate the case, and if I find the facts stated to be correct, will not hesitate to pardon Gray. In the meantime I wish to say that the statement of J. J. Mackey is not entitled to much credit, it has made the statements of the Reconstructionists, written to him by the Newspapers. He has as I may, however, will write direct to the authorities, and obtain a united statement from the officers of the Commission where Gray was tried, and obtain other evidence, from northern sources if he is to be relied. And when such facts are obtained, will at once do what justice tempered with mercy requires of my duty. In the meantime, I beg to assure you, by every kindness I possess consistent with my, in according all the aid in my power. Parties desiring interest of your, may be assured in best manner, I will cause justice to be done of our citizens, who are placed under your charge, and, at the same time, seeking your to discharge these duties in the most agreeable and pleasant manner.

Very respectfully, Your obt Servt
J M Throckmorton
Governor of Texas.

State of Texas,
Executive Department,
Austin, Tex. Aug. 20th 1866.

Maj Genl O. O. Howard,
Commr Freedmen's Bureau,
Washington, D.C.

Sir:

I respectfully call your attention to the letter of Maj. Genl Carr, relative to the case of Bernard Gray, in the case of J. L. Mackey, Editor of the Southern Banner, Brenham, Texas, in the case of J. L. Mackey, in his paper, and enclosed, I understand the fact to be, that Gray is in his paper, and enclosed

when the order of the Chief Justice, Brevet Major General Griffin, Brevet Major General Sheridan, &c, &c, on the 1st of July 1866, all the facts of which will be found upon the other communication. Capt Craig notified McCoy, that Mann and Cafe were under the protection of the Bureau, and any improper remarks about them in his presence would be punished. McCoy submitted this notice in silence, & replied, if it he was arrested, and fined $20,00 and upon refusal I pay, he was placed in the County jail. He felt it to be my duty, to take any extreme position, rather than such high-handed measures, as the facts show in this case, and also to protest against the Officers of the Bureau, taking the law of the country into, for the purpose of executing orders, which, upon my own authority informed, are illegal, & contrary to the laws, or instructions from Head Quarters of the Bureau.

I have been in this business, for four years, and never witnessed, in the discharge of this duty, that he should be commended therefor. I have not been interfering in the exercise of your authority, it is my duty to give my opinion, when the public demands, and shall call upon the friends of the Union, from the south, when in regard the qualification of these two persons, more than they do the general good of the country.

I have the honor to be
Very respectfully Your obt Servt
J W Throckmorton
Governor of the State of Texas.

State of Texas,
Executive Department
Austin, May 21st, 1866.

Gentlemen,
of the Senate. —

I have the honor to ask your advice, and concurrence in the appointment of the following officers of the State Penitentiary.

For Superintendent — James Gillespie — Travis County.
For Financial Agent — Dr. David B. Dickson, Fannin County.
For Directors — A. M. Baker — L. A. Abercrombie, and Francis Barrett citizens of Walker county.

J W Throckmorton
Governor of Texas.

State of Texas,
Executive Department
Austin Aug 22nd 1866.

Hon. Wm. H. Seward,
Secretary of State of U.S.
Washington. D. C.

Sir:

I am in receipt by mail of a communication from Hon Benj Stanberry, of the 11th Inst. transmitting copy of letter to Hon A. J. Hamilton, Provisional Governor of Texas, whereby he is informed that he has been relieved of the trust heretofore reposed in him, and is directed to deliver into my possession, the papers and property relating to that trust.

I have the honor, therefore to inform you, that the Legislature of this State met on the 6th, that the Governor elect was inaugurated on the 9th, and that the offices, papers, and property in the possession of the Provisional Gov. of Texas, were delivered on the 13th Inst.

I have the honor to be
Very respectfully
Your obt Servt
J W Throckmorton
Governor of the State of Texas.

State of Texas,
Executive Department,
Austin, August 22d, 1866.

Gen.

Enclosed (with accompanying) I send you, Sunday communication addressed, from, and signed by citizens of Bell County, with corresponding upon them, asking to enforce the laws &c. and asking a withdrawal of the U. S. Troops. While the good and law-abiding citizens of this county deprecate and more do not anger or antagonize, or being molested by the soldiers, yet lawless elements seem inclined to disorder and control the community. I have added my assurances to those of the loyal citizens as to their earnest desire and intention to preserve peace and enforce the laws &c. — and also to give them the assurance of a satisfactory state of things. Could the harmony of the sections merely be brought about by it.

Hoping you have examined the papers herewith, with care, and desire to retain them, I remain, & would be glad you would return them soon.

Very truly & respectfully
Your obt Servt
J W Throckmorton
Governor of Texas.

Gen. U. S. Grant
Commanding Military
Division
Gulf States.

Palace of Tears,
Presidency Department
Madras, the 24th Feb.

General Sandaman
Bandy East
Chamundi Hills.

Sir:

My name and reference will have a ready claim. I would be glad if the opportunity occurs and your relation to the Prince and his Highness, as well as your due & other offers. Should you not be able to receive Bangalore, I will certainly have = = Bangalore. Your letter I have to say before this, in person.
I would be obliged, if you do so.

Your obedient servant
Sir Shivaswamy
Minister of Madras.

Confidential
Madras Office, the 24th Feb.

To His Excellency,
The Viceroy of India.

Sir:

The recent tragic events which have occurred within, and passing out of the borders of this Province, coming with allows one but little time to give any alternative, which may be of general interest to the people of the State, immediately connected with measures of consolation. But there is yet another topic which seems to me to be a large concern of the citizens of this State, and in regard to which any measures are appropriated, which I am assured not only by a sense of duty, but my duty to make an appeal to you on their behalf.

In a year has passed since the north-western provinces of this State, has at one point and another, been the scene of events characterized by this great severity, resulting in extraordinary measures and outrages even worse than usual. I do not propose to detail these Excellency, a detailed recital of these outrages, and atrocities, which the people upon our frontier have all been the victims, but will dwell briefly upon the main and inevitable conclusion as to the one, the facts and the attendant circumstances.

Within the past three months, in following up the unfortunately with which they have carried on their raids = faculties people. The Kallars have committed their usual outrages, with deliberations, at more frequent intervals, and with more aggravated atrocities, involving loss, in several instances, their property, the very heart of the settlements, driving off large herds of cattle, in which consists the principal property of the frontier settlers,

murdering men and carrying into captivity women and children.

The boldness, and indomitable energy with which these incursions are conducted, the judgment with which they apply their force and skill, and push them into settlements, offering the secured safeguards for [illegible], support the opinion, and encourage the belief that they are incited and led by white men, whose presence and guidance render their forays more successful, and in no degree mitigate the brutalities by which Indian warfare is usually marked.

The success which has attended their recent inroads into the settlements, the valuable spoil which they have taken, and the [illegible] impunity with which they have escaped without [illegible] punishment, will tend to stimulate their cupidity, and [illegible] still more numerous bodies of savages against our frontier.

Many settlers have already been driven from their homes, and if this condition of things is allowed much longer to continue, it will inevitably make of a broad belt of frontier, now settled by a thriving and industrious population, and drive them back into the interior, a homeless and impoverished people.

I have addressed a communication to Maj Genl Wright commanding the Department of Texas, on this subject, referring to him some of the representations coming from the frontier. He replied that he had no authority to establish new Posts, the authority to do so residing with Maj Genl Sheridan, commanding the Military Division including Texas. He further stated that there was not sufficient force in Texas for the protection of the frontier unless the policy of maintaining interior garrisons was discontinued. I replied to Genl Wright requesting him to refer my letter to Genl Sheridan, and through him, to the Government.

In this connection, I ask the privilege of saying a word in reference to the policy of maintaining interior garrisons in this State, and to express my deliberate and unqualified conviction that to execute the laws, and to preserve order, no such interference is required, as our civil [illegible] in this State. Peace can be preserved, the laws promptly, efficiently and justly enforced by the agency of our civil and judicial officers, without resort to the aid of arms. Our people are now loyal; they have [illegible] their [illegible] and the bitter lessons of the [illegible] past taught them a profitable lesson.

It may not be amiss briefly to present my views as to the number and distribution of troops necessary in my opinion to insure adequate protection to our frontier. Exclusive of the requisite garrisons on the Rio Grande and at El Paso, which is a measure of national concern and importance, as well as auxiliary to a general system of protection, it is believed that a line of posts [illegible] from a point on the [illegible] Red River, [illegible] of the State, [illegible] to Fort Clarke on the Rio Grande, [illegible] garrisoned [illegible] regiment of mounted men, [illegible] made efficient will yield the desired protection to that line. It will also be necessary to station a force at some [illegible] point on our Northern frontier, for the reason that large bodies of Indians

[illegible]

[illegible]

[illegible]

J. H. Hamilton

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

J. H. Hamilton

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

him. I fear the legislature will not comply with my suggestions, nor I venture. The hope that you will interest yourself as far as in your behalf as today since detained before the proper Department, and will give assistance for them, as their condition evinces them to be since from the necessity of the Government. If any done the Legislature will give them an ample home in lands, and I would be glad if convenient the Military authorities as to the proper selection of country in which to locate them &c.

Lastly, the principal chief is now absent on the frontier looking out a temporary camp for his people. With the hope that you may be able to do something for Charley and his people, I am

Very Respectfully
Your Obt Servt
J W Throckmorton
Governor of Texas.

State of Texas,
Executive Department.
Austin Aug 28th 1866.

Genl H. B. Clitz,
Chief Comr &c
Galveston Texas.
General.

I have the honor to acknowledge the receipt of your letter dated 23d Inst, in which you invite the attention of my consideration, as Governor of the State of Texas, and also as the late proclamation of the President of the United States, the freedmen within the State, and relating civil rule is the appropriate tribunal.

Permit me to express my gratification at your manifestations of kindly feeling toward me personally, as well as for your appreciation of the advantages which will result to the State, and to the people of the State, of the recognition of civil rule.

Touching other parts of your letter, I will say, that it will afford me great pleasure to aid you in upholding on a firm basis the Bureau of Labor, of which you are placed here by the Government of the United States. I will co-operate with you in all practicable ways, promotive of the agricultural and pecuniary good of the State, and mutually advantageous to employer and employee. I feel satisfied that regulations can be adopted by the Bureau of Labor, which, if enforced, will result in good, to all the material interests of the State, and I do, in the light under which I believe now are necessary decisions of adopting such regulations.

It may be that another day will see the Government rather more settled as it may be hoped. I will take the liberty of sending some inquiries, as regards the future, employer and employee.

keeping Harmony & health among Revolutionists, and affording good measures may be adopted & carried.

Yours very truly & respectfully
John Hancock
Pres. of Congress

Dear Sir

Since writing the above, I have received a Telegraphic Despatch from Col. Howard, on the Corpus Christi & Rio Grande at Brownsville which he informs me, Martin will direct upon to visit me &c. May I express the hope that you will come in at your earliest leisure and confer with me. I have no doubt but we can arrange all things to be agreable to yourself, to the Country, and mutually beneficial to the Bureau, Freedmen and people.

Very Respectfully
J W Throckmorton
Governor of Texas.

State of Texas,
Executive Department
Austin, Sept. 20th, 1866.

My Dear Friend

Enclosed herewith I submit a statement in relation to the recent attempt of the United States Troops to arrest Capt. Wm. E. A. Williams. I directed the Captain to report with a copy of all the facts in the case. I feel more than ever it. But deem it proper to send you certain documents herewith. I hope Gen'l you have already examined into the matter, and will act as the case demands. I will regard it as a great favor if you detain the Captain as, as will be your action. I know that a direct course of practice and policy will succeed with more upon these subjects than such events can be warranted, inclemker, and should not be countenanced. Our loyal character and records are on the rolls. This nothing must be wanting on your part. To fully impress upon the authorities and people of Texas, the idea that the military power of the General Government is not sent here to oppress and prevent the execution of the law, but for a higher and nobler purpose, that of securing peace, protecting the people, and authorities in their just rights, and to aid the civil officers in the enforcement and execution of the law. I have the honor Gen'l, to be,

Most Respectfully
Your Obt Servt
J W Throckmorton
Governor of Texas.

Executive Department
Austin, Texas,
August 30th 1866.

Genl S. B. Kiddoo
Asst Comr &c.
Galveston.

General.

Your manifested interest in the affairs of the State, and your evident desire to aid in upholding the law, that peace, quiet, and right may prevail among the people, induces me to speak freely and candidly, and to appeal to you with confidence that you will not countenance any wrong or outrage on those through whom the affairs of your Bureau of Labor are executed.

Premising this much, I have the honor of asking your earnest and careful attention to copies of papers marked 1, 2, 3, 4 and herewith enclosed to you.

(1) Is an indictment against Daniel Jones, (a freedman) for an attempted rape, on a young girl, Sarah Slogget, only fourteen years old. — The indictment is lawfully presented by the proper authority, the officers of the law, properly performed their duty. The offender was arrested and placed in the common jail, as the law demanded in default of bail.

(2) Copy of an order signed by Lt Genl Wm H. Sanders. The next observe the Juror. — He treats the Sub Comr - Philip Howard, "If you think the boy confined, for attempting to commit a rape, is improperly held, and there is no good grounds for the action of the civil courts in the case, take it out of their hands, and try it yourself." — The latitude given in this instruction to Mr Howard is excessively broad, and subjects the courts of the country to his contempt, and enables him to release the offender, whether he be guilty or not.

(3) Copy of an order signed by Philip Howard, directed to the Sheriff of the County, who had the indicted party in custody. It is recited on said scrip, that he demanded for the delivery of the prisoner, "on recognizance, to return from Brevet Maj Genl Kiddoo." The delivery was made, in accordance with the demand.

(4) Mr Howard resides, I am told, about twenty miles from Gilmerdean, the County-town of the County in which he is on duty.

The order issued by Wm H. Sanders as A.A.G. was issued with your consent, & on your recommendation, that you were grossly misinformed as to the real facts of the case, for I do not believe that you would, in the discharge of your duty, invest an officer, with a degree of discretion, which if not soundly exercised, would be so well calculated to frustrate the harmony of all your labors, nor do I believe that you would willingly invest officers inferior with power to shield a criminal in violation of the Statutes law of the State.

I am not disposed to attribute wrong motives to Mr Howard, but the presumption is irresistible, that he, a Grand jury, under oath

present an indictment. That there is reasonable ground to believe in the presence of guilt. At least, the presumption is strongly in favor of a rigid investigation he has

The fact that a freedman as charged with killing a negro on a public road, and in public view, proves the tendency of the law, into the hands of the Freed, as proof to demonstrate that the negro of Bourbon County, are not only, not predisposed against the freedmen, but are willing to see justice meted out through the regular channels.

It is due the action of the Freed, that independent justice against them, among the negroes, there is no doubt. This is natural: — and they work together with great confidence, so the misunderstanding are harmonized, and the prejudice, not to the freedmen alone, but to the whites also, and that the law is upheld.

Will you excuse me Sir, for again calling your invaluable attention to this matter.

If you can find it consistent with your sense of duty I would ask that you release Mr Philip Brown, and Thomas Sumner, replace him with a citizen of the County, among whom I can confidently rely, faithful many, faithful, honest, and capable men. To replace them by some interchange with another agent, in whom the people will have no confidence, than they do on Mr Brown.

Your attention to this matter, and you will very greatly oblige me.

I am Dear Sir very respectfully
Your Obt Servt
J M Pinkerton
Governor of Texas.

Executive Office
Austin Aug 20th 1866.

Gentlemen of the Senate
and House of Representatives.

In the settlement made by Mr Samuel Harris, late Provisional State Treasurer, with this office, it was found that Mr Harris had received four hundred and six dollars, supposed to be counterfeit. This money purported to be United States currency, and was received from the Assessors and collectors, and as it was also no impossibility for any one, under the circumstances, to detect spurious bills, I deem it but just that Mr Harris should be relieved from the loss of this money.

Mr Harris also received from the assessors, sixty-two dollars in Louisiana, and other Bank Bills. I would suggest that Clay Royston, be authorized to receive these, and sell them for their value, and place the proceeds in the General fund

Mr Harris also received two hundred and one ($201.) dollars

and Mexican Doubloons at $15.60, I see was given me by "Commodore Ewin chart-manual" good authority. But these doubloons are now worth at $15.50 ——— May Royston does not feel authorized to receive them for more, but it would be unjust to require Mrs Harris to make up the difference. Therefore under all the circumstances, I am of opinion that Mrs Harris has done exceedingly well, and I trust your Hon Body will believe him from any loss on these several accounts.

J W Throckmorton
Governor of Texas.

Executive Office
Austin, Texas.
August 31st 1866.

Gentlemen of the Senate.

I have the honor herewith to embrace the following appointments, for Boards of Commissioners of Pilots, for the Ports of Galveston, and La Salle, and ask your advice and consent to the same.

For the Port of Galveston
A. M. Hitchcock.
James Moreland.
E. P. Luffkin
George Ball.
J. E. Morris.

For the Port of La Salle.
Thomas Dixson,
L. D. Brower.
R. H. Forbes.
John H. Dale.
Henry G. Houck.

I am Gentlemen
Very Respectfully
Your Obt Servt
J W Throckmorton
Governor of Texas.

Special Message.

Executive Office
Boise City, Idaho Ter., Feby

Gentlemen of the Council
and House of Representatives:

I am the constitutional agent, charged with the duty of communicating to your honorable bodies such subjects as I believe to be most important to your attention.

Amendment of the laws.

By reference to the accompanying statement it will be seen that very one third of the revenue of the State is yet uncollected for the last year.

Such laws should be passed, as will enable us to enforce the payment of these dues, or will secure the taxes previous to their collection.

The confusion is increased in consequence of the fees in many cases being illegal, and the amount, that will be collected, being entirely dependent upon the caprice of taxers.

Receipts and expenditures of territorial government.

Accompanying this message will be found the usual statements of receipts and disbursements, for the fiscal year ending on the 30th June last, as made by the Territorial Treasurer, pursuant to law.

The total receipts during the fiscal year amount to $44,946.00. The expenditures amount to $25,275.81. Which will be found in the statements. Further details are given, and a check made of the Treasury, for fees in filling, and about $5,000. Other officers, there will remain in the Treasury, if funds derived from the Territorial Government, about $16,000.

This leaves to observe that of the funds arising out of the Treasury, during the period mentioned, there was deficient for revenue $97.64, and of the amount $4,576.69, was spent. The sources of the receipts accrued principally from the sale of Internal Revenue Stamps, licenses, and coupons. The statement of the Comptroller will explain fully the sources from which the various amounts paid into the Treasury were derived, and also furnish satisfactory information, in regard to the warrants drawn, and on what account, by the officer, and paid by the Treasurer.

Public Debt.

I especially call upon attention to the statements, showing the amount and character of the indebtedness of the State. By the action of the Territorial all the outstanding ten per cent. warrants, and state bonds issued for services rendered, or expenses incurred, since the 28th of January, 1861, are effectually kept in mind, that under a previous law, parties entitled to fees

cent. coupons were presented to relieve them with the Treasury for cancellation, and to be worn eight per cent. State bonds in their stead. About $16.000, in principal and interest were thus absorbed. Subsequent laws authorized the funding of all kind of notes and vouchers, including such as were issued prior to the 28th January 1861, as well as those of the war time. Under these laws 294 hundred thousand dollars each have been issued. Of these 294 bonds, it is estimated, there are about the sum of $72.000, of the six per cent. vouchers, which are acknowledged by the Convention as a debt against the State, have been absorbed.

It will also be seen, by reference to the accompanying statements, that six per cent. vouchers amounting to $217.469.51, were received, and non-interest bearing bonds issued in place thereof.

Therefore your honorable body will at once see the necessity that exists of making an entire clear of the outstanding debt — the funds to pay it — and non-interest vouchers — in order that the portion of them authorized by the Ordinance of the Convention may be received, and some provision made for funding and payment of interest.

These the best data I can obtain, I estimate the amount that will have to be provided for will not exceed $400.000. I recommend the appointment of an Auditor, who, in conjunction with the Comptroller, should serve a Board to determine the valid claims against the State. And, in this connection, I suggest the passage of a law, requiring the holders of each class of liabilities to which reference is made to present them within a given time, for auditing, that the State may ascertain the amount of its indebtedness, and place the same in such position, that provision may be made for the payment of the principal and interest thereof.

I believe it would be best to authorize the Auditor and Board to give State bonds in amounts of one hundred dollars and upwards, bearing six per cent. interest, payable semi-annually in specie. I know of no other means that can be successfully resorted to in order correctly to ascertain the debt, except through the operations of an Auditor and Board; and the system of funding in 6 per cent. bonds, I am clearly of opinion is best.

The action of the Convention in repudiating the civil debt created during the war, was, in my judgment, an error, and will greatly affect the credit of the State.

For this, and other grave reasons, every effort should be made by the authorities to restore, and bring to the highest possible standard, the State credit.

By funding the outstanding debt, allowing the bonds to run for ten years, while such credit, at the option of the State, with 6 per cent. interest, promptly paid, and the payment secured for, by the levy of a

thereat I am to avail the author, and above a reclaim account of the transactions, as by reading a letter from the Chief, his charge. The letter enclosed when they are and remain Great Lands as good, and as agreed entirely with by those coming of record as any State lands are Used.

It has been suggested that the intelligency warrants are not to be entered for selling these free lands. This is true but is not under a construction of, until they have been passed upon by us = [illegible] to determine their character and quality.

The appointing of their agents — the Chief, I could really dispense the minister executive office State; but if we agree with me and the instructions of Congress, I would advise the reception of the land scattered orphans, on payment for lands, or land scrip, at moderate prices and making the matured orphans, free in fee, and [illegible] [illegible].

I have discussed the question in more respects of circumstances I am informed with the necessity of making an alternative order in [illegible] for selling, and directing the order of the State.

Revision of the Laws.

In entering on the duties of the Legislature of New Orl., No. 4, I found the view. That a revision of the Laws was provided for, in the Act for Congress introduced Judge L. A. Thompson, of Louisiana, Representative for [illegible], and I learn that he has made his proposals, I hope that we will take such action in regard thereto as may seem [illegible].

Connected with the subject of the revision of the laws, it is proper for me to say, that I have received from Mr. Nicholas, a large number of the sheets of a digest, arranged by him, of the laws of the State, with notes on the decisions of the Supreme Court. The Marshal informs me that his work will be completed in [illegible] time. I have bestowed careful attention upon the sheets received, and cursory examination upon it some years ago, from the decisions of a number of eminent legal gentlemen, the most known ability and integrity of the author, and the length of time he has been engaged in the work, I am satisfied it will prove a great convenience, and I recommend it to your notice.

I am not advised how far the plans of the work and the [illegible] prepared by Mr. Thompson, will coincide, and I respectfully request that the subject be referred to some appropriate committee. It is highly important to the interests of the people, owing to the imperfections which exist in our present Digests, that a complete revision of the laws be made, and speedily distributed; and if the book of Mr. Nicholas is as valuable as it is represented to be, it may be well in any event that the State shall subscribe for a sufficient number of copies, to supply such State and County officers, as are connected with the administration of the laws. This is

enable him, without interference to theministerial duties, to undertake or institute the labor, in which Mr. Thompson is engaged, and give him a greater time for its completion.

The Chapter Revised.

Recognizing the importance of a commencement-edition of Chief Justice Hale's Essay, with a digest of the decisions on the subject, and knowing the "real peculiarities of Statutes of the Texas, and county Courts in the State of Texas": together with the opinion of several commercial gentlemen who have examined the manuscript, I do not doubt that it will be of great advantage to the class of officers for whose benefit it is intended, as well as of great service to the profession. I recommend that an appropriation be made of sufficient amount to enable the State to supply a number of copies to each county.

Publication of Decisions of Supreme Court.

A sufficient length of time has elapsed, since any of the decisions of the Supreme Court have been published that it becomes necessary that a full examination of the subject, and provide a suitable appropriation for that purpose.

I recommend, on the score of economy, that these decisions should be examined, or that only such should be published, as are of a leading or important character.

The Judiciary Committees, however, will be much better able than any I can suggest. In legislating upon this subject, they will have to take into consideration the increased cost for such publication, which I know is much greater than formerly.

Militia.

Your wise and efficient views, for the organization of the militia, should engage your attention. The present act of Feb. 14th. 1860, is still in force, but it is burdensome, and in my judgment needs revision.

School Fund and Railroad Bonds.

Under the old Constitution, one tenth of the Ground Rent derived from location, went into the Comm. on School Fund. The amendment to the Constitution on the subject of education, altered this revenue.

There is a doubt in the mind of the Comptroller, as it has lately an interfering one to the revenue from the School Land. I have no doubt as to the intention of the Convention, and in the absence of any enactment by the Legislature on the subject, should consider it the duty of the Comptroller to place the whole amount of taxes collected in, title and interest, to the State Common School Fund. Your attention to the question, in order that such measures may be adopted, as will clear no room for doubt.

I transmit for your information, from the Treasurer,

statement of the payment of funds for the different objects fixed upon the Constitutional convention of this State, which are so numerous; also the amounts of revenue and different receipts, together with the amount of interest due.

It will be seen that the total amount of $1,816,119 would be entitled to be deducted, $35,476, which leaves a working fund similar in amount to the balance due at the commencement of $1,753,317. The amount actually paid is $316,729.80, leaving an balance due of $1,436,587. The accompanying statements will explain the reason why each fund by itself company.

I would draw attention to the guarantee, under Rebellion in force, should be added to the compensation of faithful time be given them for the payment of the amount which is due.

Militia men in Texas.

Governor Hamilton in his message the representative of the company of militia men on the frontier. At his time of giving the permission he distinctly announced to the Council where the organization, he allowed, that the judges performing the service, and have of employ the legislature to provide for the payment of the same. There was a question as to the necessity which called the force into service, or the character of the service performed. I am not advised, except in the statement to be given of one of the companies, and the letters herewith is stated the whole investigation. I presume the service was necessary, and was as effectual as could be expected under the circumstances. The estimate made by the Comptroller, to pay the same, amounts to, $4,563.00, I recommend an appropriation for that purpose.

Marriage of persons of color.

I invite your attention to the subject of an institution, as domestic relations among persons of color. It seems should be, marriage recognizing those who live together, and are so intend, as in marriage and future marriages should be in accordance, with existing laws. The laws applicable to white people, in regard to adultery, should apply to them.

Vagrancy, &c.

As regards vagrancy, and depredations, there should be adopted a more comprehensive system. There is none afforded by the Statutes. The counties should be required to provide for such portion of the population, white and black, as are unable, from age or disability, to earn a living, when such persons have no parents or children able for them. A few persons of color, have been reported as beside

Superintendent of the Asylum. Humanity requires legislation upon these hands for their safe keeping and protection.

Alabama Indians &c.

By an act of the Legislature, approved Dec 30th 1861, the Governor is authorized to appoint an agent for the Alabama and Coushatta Indians, at a salary not to exceed four hundred dollars per annum. If it is intended that this law shall be carried out, provision should be made to pay the agent contemplated therein, and the agent should be required to look after the interests of the Muscogees, who live in the same neighborhood.

I am not acquainted sufficiently with the condition of these Indians to offer any suggestions, as to the propriety or necessity of keeping up this agency.

Agricultural Colleges.

By an act of Congress passed July 2nd 1862, a donation of land is made to the several States, for the purpose of establishing colleges for the benefit of agricultural and mechanic arts.

Owing to the situation of public affairs, as connected with this State, no opportunity has been afforded, by which it could signify its desire to accept the donation, according to the provisions of the act.

Believing, however, that Congress will extend the operation of the law to all the States, I advise such action on the part of the legislature as will ensure, on such event, the benefits of the law to Texas.

United States Direct Tax.

I have been officially informed by Robert J. Smith, President of the Board of United States Tax Commissioners, for Texas, that the collection of the direct tax, levied by act of Congress, of August 5th 1861, and the amendments thereto, upon this State, has been suspended until the 1st January, 1868.

This announcement will enable the Legislature, at its next session, to provide for the payment of the amount collected, and to make proper adjustments in regard to that which has already been paid.

This is a measure of great relief, and will produce a good effect on the minds of the people. It gives an assurance that the individuals have a just regard for their distressed pecuniary condition, and that our action will be properly appreciated by them.

Salaries of Clerks of Superior Courts.

I recommend that the salary of the Terrell County Clerk

public accounts, and the expenses of the several departments be printed.

I would also suggest the necessity of publishing the report of the Commissioner of Indian Affairs, and more economy of the public property, which are taken from Uncle Sam's Treasury, without the direct use of the Government officers of this State. The Commissioner's report of Texas Boundary, and the report of Messrs Rice and Pum, and the Comptroller's report, will give an account of the financial condition of the State, from the time the Revolutionary Government went into operation, until its close. The subjects of these several reports, are of importance to the State, and should be published for information, as well as for reference.

Weapons carried about the person.

The Bill of Rights says: "Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State." This is an invaluable right conferred by the constitution upon the citizen; but it is one that is most outrageously abused, some. I would not seek to interfere with the right of the citizen, at all times, to bear arms in defence of himself, his fireside, and the State, as I do conceive, that it was intended by the Constitution to secure this to men and boys. Vagabonds and cowards, once to be deterred to have arms about their persons on all occasions. Such things are in our midst every day on the peaceful walks of life, among the most quiet communities, at church and at the school house. A law prohibiting it might not be constitutional, and perhaps would not be proper, but it appears to me, that a tax should be levied upon all pistols, and weapons carried about the person, and the right given to the assessor, assessing him to pay such license, to seize upon the arms, and sell them for the tax. Any person who felt constrained to wear a weapon of this sort for his personal protection, would not think it a hardship to pay the tax, and it would, perhaps, have the effect to prevent the repetition of outrages, and others who bear them for show or other purposes, to dispense with such useless ornaments. As a matter of course, such law should not apply to persons living on the frontier, or to travellers.

Federal Relations.

Since my regular communication to you, I have received the proclamation of the President in regard to the establishment of civil authority in the State of Texas, announcing "that peace, order, tranquillity, and civil authority, now exists in and throughout the entire of the United States of America". A copy of this proclamation, I take great pleasure in laying before you.

The effect of this important public document, taken in connection with the various official acts, which it recites, and to which

it refers, is to declare that a state of peace exists throughout the Union, and that all acts and proclamations of the Government, whose operation is clearly shown in the declaration of peace, are no longer of any force and effect; and that the rights of the citizen are hereafter to be determined by an appeal to the civil authority alone. The promulgation of this proclamation by the Chief Executive of the Nation, upon the receipt of the official intelligence of the installation of the civil officers of this State, chosen by the people, furnishes further proof of his confidence in our loyalty.

This confidence in the sincerity and honor of our people is not misplaced, I feel assured.

And in this connection, permit me to call your attention to the inclosed address and declaration of principles lately adopted by the delegates from every State in the Union, of the National Union party, assembled at Philadelphia, received through the Hon. John Covode one of the Executive Committee. It has not been usual for the Executive of a State, heretofore, to so official communication, to call attention to the action of the Convention of any political party. On ordinary occasions I should most certainly adhere to the established usage of my predecessors on the subject; but the assembling, after two years of fearful civil strife, of delegates from every section of the Union, selected for their eminent wisdom and patriotism, for the purpose of reunite the nation once more, and healing the wounds inflicted by the war, is an event so remarkable, as to abundantly justify me, in calling your attention officially to their action.

This address and declaration of principles may be fitly called to your attention, in connection with the official declaration of the President, that peace exists throughout our land. It shows us to meet those offers in a becoming spirit. Let us bury the past, and peace-fully endeavor to move forward as one people, in the onward path of progress and prosperity.

In laying these matters before you, I submit to your better judgment the propriety of such suitable legislative response, as will indicate the attitude of our people to the Government.

J. W. Throckmorton

Secretary's Office.
Austin, Sept 5th 1866.

Hon. J. M. Hanks
Galveston:

Acknowledging receipt of your letter of the 3rd inst. that the Representatives as Elected to the Congress of the U.S. that the Representatives as Elected, and that no test-oath is required of the members of the American States, as my Circular indicates, it may be regarded as a mistake of the Northern Journals — that the Representative Patties may be harmonized, and I trust that in the course of proper measures intended by them, and that you may have assistance in your work and duties. I have the honor to be

Most respectfully
Your obt. Svt.
J. W. Throckmorton
Governor of Texas.

Executive Department
Austin, Texas, Sept 7th 1866.

J. Dart Esq.
Galveston, Texas.

Sir: Your of the 3rd inst is at hand and I am instructed by the Governor to say in reply, that he has been prevented in making the appointments of notaries, by the duties of the immediate Administration and Senates, without which commissions for these officers from County to County are wanted, which I will see approved when by Gov. Representatives. And the name name of the gentleman mentioned was not known at the time, but has since been appointed, and that is now done.

Very Respectfully
Your obt. Svt.
Prest. Secy.

Executive Department.
Austin Sept 7th 1866.

Gaylord Clark.
Galveston, Texas.

Sir: Yours of 23d inst from Galveston is at hand, and in reply, I have been instructed by his Excellency to say that S. M. Swan is about an average of certain sized lots situated between Strand and Avenue.

Please acknowledge receipt

Yours respectfully
Your obt. Svt.
Pres. Secy.

Executive Department
Austin, Texas, Sept. 7th, 1866.

Henry Cline, Esq
Houston, Texas.

Sir: A petition from your city, asking your appointment as Notary Public, is at hand, and I am instructed by His Excellency to say in reply, that he has been governed in this matter, already by the wishes of the Representatives and Senators from your county there are some fifteen applicants, and the Representatives from your county agreed upon a list, which precludes your appointment, the list (complete for six Notaries) having been confirmed.

Very Respectfully
John H Lane
Sec'y Selty.

Executive Department
Austin, Texas. Sept 9th 1866.

Capt. J. J. Cureton,
Fals. Pinto:

Dear Sir:

Your favor of the 2nd instant is just received. I can assure you that I will give every direction in my power to the protection of the frontier. The Legislature is now meeting, & till we see what it will do I hope they will do something, but unless they determine the mode to pay for it, or it provides it gives me the power to raise the men, about after the Legislature does all it can, it may be that the General Government will not permit us to call out men for this purpose.

I have already called upon the President and Military authorities for protection, and shall continue to press it in every manner in my power until it is accomplished. I send you my Inaugural address and Messages. I'll be glad to hear from you whenever your leisure permits. Remember me to Preston, and tell him if Sheppard is a candidate for Congress I hope he will vote for him. Mr Sheppard went to Washington at his own expense at very great personal sacrifice, and is just the man we need to recognize our State Government as that is known as strongly Conservative, and in favor of the President. We must elect men who have such a reputation, as will give us standing and strength with those in the North who are for us. — Mr Sheppard contributed liberally of his means to aid soldiers and their families in the war, was strong union at first, was too badly crippled himself to join the army. Now if you want an able Representative, one who will represent wisely and firmly your interests, and the great interest of the border, vote for him.

Very Respectfully
J. W. Throckmorton
Governor of Texas.

Hdqrs 1st Texas,
Fort Inge Independence
Co. Tex. Sept 5th 1862

General S. S. Ruggles
Commdg 1st Div.
Sir:

The military Convention recently
made upon communication between the subject of the land occupied, from
Major Walker, the same was not satisfactory to Capt Spaulding, and
his endorsement. I have referred the question to my Chief Quartermaster, and
informed him that you will without delay forward to his Office copies of
the indorsements &c. Do so. — and also forward copies of — papers to me.

I have the honor
Your obt Servt
J M Throckmorton
Lt Colo of Texas.

Headqrs 1st Texas
at the Indian Agency Sept 5th

Sir.

I will respectfully call your attention to the inclosed communication addressed by the Chief Agent of the Indian Department Genl Elias Rogers & Gideon Lindley, protesting that they may not be molested
preferred against them for the recorded by Major Walker. Should upon
their Capt Spaulding the same & arrive the parties, and upon a satisfactory
statement, they are only in as by military necessity. Since the Indian
=ocation, depriving the war in and &c. & at the evacuation of the said
workshops to their legitimate business, it appears to me, these buildings
properly belong within the Indian Reserve of the country.

I have directed the Chief Quartermaster to furnish at once a certified copy of the indorsement. Should it meet your approval, I will be greatly obliged, if you will issue such orders in regard to the matter, as you may deem within the sphere of your duty. And will forward you copies of the same.

Very Respectfully
Your obt Servt
J M Throckmorton
Lt Colonel of Texas.

Maj Jas McIntyre
Comdg U. S. Troops
San Antonio
Texas.

State of Texas
Executive Department
Austin. Sept 10th 1866.

To the President.
Of the United States.

Sir:

I take great pleasure in recommending to your favorable consideration for appointment to the Military Academy, Young M. Barnett, Son of the Com. C. M. Regiment of Rangers, aged 17 years. He is a young gentleman of promise, and every way worthy of your favor.

Very respectfully
Your obt Servt
W. Throckmorton
Governor of Texas.

State of Texas.
Executive Department
Austin Sept 10th 1866.

Gentlemen of the Senate:

I have the honor herewith, to transmit a list, for your advice and consent, the following appointments, as Boards of Commissioners of Pilots

For the Port of Sabine Pass.
Benjamin Granger.
Sturge Sweeney.
Peter Nicholson
W. D. Tuttle
H. H. McDonough.

For Port of Corpus Christi
Griffin Kennedy.
Richard King.
Edward Downes.
Joseph Roberts.
E. D. Kingsbury.

For the Port of Corpus Christi.
Wm Hayden.
J. B. Mitchell.
Jack Sands.
Silas Polk
Richard Jordan.

W. Throckmorton
Governor of Texas

Executive Office
Austin Sept. 10th 1866

John L. Williams
New Orleans

Sir: Yours of the 5th instant is to hand, and on Friday last, upon the authority of the Constitution of the State, that an such amount ($ 1600 - [illegible]) has been placed to your credit.

I am &c. Very Respectfully
Your Off. Servt
John M. Lane,
Prin' Clerk.

State of Texas,
Treasurer's Department,
Austin, Sept 1st 1866.

M. H. Royston.
Treasurer of the State.

In compliance with an act of the Legislature of date 15th November 1864, you will forward to place the claims and assets of the Estate of Geo. C. Clark of Williamson County in process of Collection.

J. W. Throckmorton
Governor of the
State of Texas.

State of Texas
Executive Office
Austin, Sept. 11th 1866.

Maj Starr
Comdg U. S. Troops
Austin, Texas.

Sir:

I must earnestly request you to take the necessary steps to have as witnesses before the Court of Inquiry, Sergeant Carpenter, and Frank O'Brien, (given names not known), who were a part of the guard on the occasion of the death of Donovan and Davis of this County. I have learned that the Court adjourned, to meet at once for the time when the Court meets. I would be glad to know, no later than I could have the proper interrogatories propounded to the witnesses above named. — In securing the witnesses asked for before the Court, you will greatly oblige

Your obt Servt
J. W. Throckmorton
Gov of the State of Texas.

(Copy).

Hd Qrs 6th U. S. Cavalry.
Camp near Austin Texas
Sept 16th 1866.

To His Excellency
J. W. Throckmorton
Governor of Texas.
Austin Texas.

Sir,

The Military Commission to investigate the circumstances of the death of Duncan & Davis reco=
=vened on the 19th inst —

Capt Chisholm is at Belton, but has been summoned to attend; Lt Brown is on Cuero, and will be in attendance.

Very Respectfully, Your obt. serv't
L. H. Sam,
Major 6th U. S. Cavalry,
Commanding.

Hd Qrs 6th U. S. Cavalry.
Austin Texas Sept 20th 1866.

To His Excellency
Gov Throckmorton

Sir:

A commission meets this morning to investigate the murder case at Belton. Will you send me the affidavits and any other information which you may possess.

I am Sir Respectfully
Your obt servt
R. M. Morris
Major 6th U. S. Cavalry,
Brevet Lt Col U. S. A.

(Copy).

State of Texas,
Executive Office
Austin Sept 20, 1866.

Gen Morris

Your note informing me of the meeting of the military Commission at Belton received. I would ask the favor of having the papers of the State sent for the purpose of copying the evidence. I make this requisition with no wish to be considered, as admitting of having a State's official to appear as a prosecutor — by no means — but because it is deemed satisfactory to the people of the whole State, as well

that the Secretary mentioned cases exposed, and no doubt will have it in
a simple name office fully and fully investigated.

Very Respectfully.

J. M. Thurkmorton

Secretary of Navy

P.S. Please address me the Navy Department place of working.

Washington, D.C.
Sept 2nd 1866.

To Wm Dennison,
Postmaster.

Sir:

I have the honor to acknowledge the receipt of your letter of the 29th ult. in which you state that the Commission before the Military Commission (now sitting) of the District Attorney of Boston and Philadelphia, the Commission have decided adversely in their respect

I am Sir, Respectfully
Your Obt Servt
Chas. A. Dana
Asst Sec of War
Pro tem

Executive Office
Boston, Sept 2nd 1866.

To C. M. Morris.
President of the Commission

Your note informing me that the Commission have decided adversely to my request, is received. I am at a loss to understand upon what ground it is deemed to be their duty to withhold from the knowledge of having an officer of the State Government of Massachusetts, the number of lives of the citizens of the State taken while the facts are being investigated by a military commission, and in view of the acknowledged fact that the murdered persons were arrested and detained in charge of an officer of the U.S. Army. Such be the decision right or wrong. I have now to ask, that such questions, as to army whatever, are being, shall be put to the witnesses, and their answers with the testimony elicited, and conclusions drawn by the Commission, be copies thereof sent to me.

Very Respectfully

J. M. Thurkmorton

Secretary of War.

State of Texas
Executive Department
Austin, Sept 2nd, 1866.

To the Commanding Officer
U. S. Troops
Dist of Texas

Sir:

I would respectfully call your attention to the accompanying statement of the citizens of San Patricio County in this State, and also to the statement of Thomas H. McCallum, Esq, in the case, in regard to the violation of the rights of the citizens named, and the forcible violation of an order of the proper officer of the Dist Court of said county, by one John R. Pierson, and a party of colored soldiers, under charge of an officer of the Army of the U. S.

I have to request of the commanding officer, that he will issue an order, restoring the property in question to the Sheriff of the County of San Patricio, and also to assure the officer in command in that city of the U. S. Troops, will give to the Dist Court, or its officers, such assistance and protection, as will enable the Court to determine the rights of the property in question, and secure its restoration to the proper owner, at the termination of the suit, and in addition thereto, would regard it as a favor to the civil authorities of the State, for the preservation of order, and a due enforcement of the laws, if the Commanding officer of the Dist of Texas, would issue an order requiring the military to aid the civil authorities, when called upon by the Judicial and Executive Officers, in maintaining and executing the laws of the State.

Very Respectfully
J. W. Throckmorton
Gov of the State of Texas.

Special Message.

State of Texas
Executive Department
Austin, Sept 13th 1866.

Gentlemen of the House of Representatives:

I regret to inform you that on the night of the 7th inst, the town of Brenham was in a blaze, which is ascertained to be the destruction of a large amount of property. Some information has reached from gentlemen of the highest respectability, based upon the statements of citizens of unquestioned veracity, that it is a fact that the fire was the work of U. S. Soldiers stationed in the vicinity of the town. It seems a mounted-infantryman of this living, returning from Fort Hogin, was in advance. I learned that Major Lathrop at Houston, has ordered horses to be sent to Brenham, and investigate the matter again, but has upon the communication received, patch to the

[illegible] upon this line.

[illegible]

[illegible] of the [illegible] of Brenham [illegible]

I have every confidence that the commanding officer [illegible] and in the Military Department will do [illegible] and that [illegible] I request the removal of [illegible] and ask that [illegible] charged with the [illegible] be turned over to the proper authorities for trial.

J W Throckmorton
[illegible] of Texas

State of Texas
Executive Department
Austin, [illegible]

Col. Mason(?)
Commanding at Galveston [illegible]
Sir:

[illegible] command of the District, in the absence of Genl Wright(?), I address you for the purpose of asking the withdrawal of Capt Smith and his company from [illegible] in view of the recent unfortunate occurrences at that place. I am [illegible] that the public service, as well as the interest of the community, will be [illegible] by the removal of this company.

I would also ask that such of the soldiers, or officers [illegible], as having participated in the destruction of [illegible] the burning, or in violating the laws in any manner, be turned over to the civil authorities for trial.

In a special message to the Legislature I have stated the occurrences at Brenham on the night of the 7th inst. and informed that body, that I had requested the military authorities to investigat

the matter. I also requested by the Legislature the sending of a commission whose duty it should be it seemed to Brownsville and make a full inquiry into the facts of the origin of this fire, the property destroyed value &c &c &c. I should be able to Brownsville I would immediately the gentlemen composing the commission to visit and see that Government = = cate fully with them, such information as it may have obtained concerning the fire, the attending incident &c I sincerely hope the civil authorities of the General Government, and the civil authorities of the State may act harmoniously together, and in such manner as will conduce to the general welfare of the people, and a speedy restoration of good feeling between the people of every section of the union, as well as a cordiality and sincerity of action on the part of the officers of the General and State governments.

Very Respectfully
J W Throckmorton
Gov of the State of Texas.

State of Texas.
Executive Department.
Austin. Sept 15 1866.

Major Stein.
Commanding U S Troops.
Austin Texas.

Sir:

I have learned accidentally this morning, that the cholera has broken out among the troops at this place. Feel it due to the people to give such information as you have upon this subject. Also to suggest, if it be true, that it would be proper to have the new recruits, located away from the Capital and to establish such regulations, as will prevent intercourse with them, except such as may be necessary for their proper care and treatment.

If the disease should break out here it would cause the adjournment of the Legislature perhaps, which would greatly derange the public affairs of the State.

Very Respectfully
Your obt Servt
J W Throckmorton
Governor of Texas.

State of Texas.
Executive Department
Austin Sept. 15 1866.

Gentlemen of the
House of Representatives:

Accompanying this communication, I send you a memorial of H B. Coffee, late State Agent, asking the Provisional Government for the collection of Cotton and other State property. I recommend such action on the part of the Legislature, as will secure the rights of the State to the property, and also such action in favor of the memorialist, as may be deemed proper.

J W Throckmorton
Governor of Texas

State of Texas.
Executive Office.
Austin Sept 15th 1866.

Mr. President.

During the administration of Provisional Governor Hamilton, the application of Brevet Genl L. S. Ross of Waco, Texas for pardon, was recommended by the Provisional Governor and endorsed by the recommendations of other gentlemen, and forwarded to Washington.

Genl Ross comes within no other exception, than that of an officer of the Confederate Army. Above the rank of Colonel. He was not educated at West Point. I most earnestly recommend him to Your Excellency, as worthy of pardon, and trust you will grant it to him. I have known him long, and feel assured he is well entitled of restoration to the Rights and privileges of a loyal American citizen.

With Great Respect
Your obt Servt
J W Throckmorton
Gov of the State of Texas.

Hon Andrew Johnson,
President of the U S.
Washington.
D. C.

State of Texas
Executive Department
Austin Sept 15th 1866

Genl Kiddoo,
Chief Freedmen's Bureau, Galveston, Texas.
Please show this to

since, you informed me by telegraph, that you had ordered the release of Wm McCoy, from the Brenham Jail, and that particulars would be forwarded by mail. I have been exceedingly anxious to learn what orders you thought it proper to issue. I hope you will have the conduct of Capt Craig investigated, and have meted out to him such punishment as he deserves. I would have said nothing further on this subject, save of not just, that officers should be punished, when they violate Civil orders, and go so far as to interfere with the liberty of the citizen. It would be a blessed event on the part of the authorities to protect the people from sorry and oppressors, and as much to heal the wounds inflicted by civil war, and restore true and confidence, towards the General Government.

While speaking of this subject, allow me to call your attention to enclosed letter to me, from Robt D. Lipscett, a young man living in Victoria County. I have used some pains to ascertain the character and family of this young man, and the facts as to the case stated by him. I am satisfied it is a case in which you should interfere, for the protection of this party. I hope you will issue an order preventing any interference with the young man, upon the condition that he gives himself up to the civil authorities, to abide the decision of the Courts, for any violation of the laws, that he may have committed.

I referred this case to Genl Hemphillemann, and he informs me, that it properly comes within the jurisdiction of your Bureau. — I therefore make the application to you, with every confidence that you will have such orders, as will allow this young man to be tried by the tribunals of the country, and will relieve him from the threats of violence, or the perpetration, by those under your control.

I am Genl
Very Respectfully
Your obt Svt
J W Throckmorton
Governor of Texas.

Executive Office
Sept. 8th 1866.

To the Senate,
and House of Representatives:

Herewith I transmit for your consideration a communication from the comptroller, concerning the funding act, so-called law, passed by an act of the Legislature of March 1861. This act was passed for the purpose of raising funds to meet the interest then or soon to be due on the debt contracted for war purposes, and accruing upon a portion of the debt contracted for war purposes, and which was repudiated by the Convention. It was a bonded debt, and was an effort to relieve the people from the payment of the interest, and to retire the bonds & coupons which accrued at the Confederate rates. And at the same time, provide for the disposal

of such Tribes, may have been overlooked upon the Schedule, although entitled when keeping up the individuals of above, it seems, to receive Land grants.

J. V. Thorkmorton
Commissioner of Pensions.

Note of Land
Given the Government
Texas Indians 1855 Act.

To the Commissioner
of Indian Affairs
Washington, D.C.

Sir, I have the honor to call your attention to the fact that the remnants of the Texas Indians formerly located on the U. S. Military reservation, near Fort Graham, on the Navasota River, I. T. are now in Texas, in a deplorable and destitute condition.

These Indians have always been friendly to the whites and no complaint has ever been made against them. Shortly after the late civil war began, and all Troops were withdrawn from Fort Graham, a portion of several of the Tribes living on the reservation, determined to make war upon the white people, and the Shawnees, and other friendly Indian nations. The Tonkawas refused to engage in it, and in consequence, the hostile ones attacked, and after a day and a half's fighting, nearly exterminated them. They made their escape to Texas, and have been supported by the State Government and people, until the present time. Except in the way of rations of beef and bread, furnished them recently by order of General Hentzelman. They now number about 175 souls.

I have recommended the Legislature, now in session, to donate them a league of land, as a home, with a view to settle them permanently somewhere on the frontier, as near a U. S. Military Post, as the land suitable can be found.

On account of the enmity of the Indians (Sioux, Apaches, Caddoes, and other remnants of Tribes) I would view the put-down of the I. T. These Tonkawas are unwilling, and indeed should not be required to go back there. I most earnestly request of you if we may have, to do something for these poor people. As the first place they need rations of Beef and Bread. This I believe, could be found in abundance by the Commissary Department, if they should be located near a Government Post. They should have some blankets, and other clothing, as far as they go — Then they should have a few farming utensils — a few farming implements, seed, &c. and enough cattle for them to procure, say a few, with a yoke or two of work cattle.

I will have occasion to make use of their services, &c.

tion appropriation of from five to six thousand dollars, would supply these tribes and immediately afterwards for a few years, fifteen hundred or two thousand dollars would be sufficient. Their agent should not receive more than from three to four thousand dollars annually — and should be resident on the neighborhood of their locality.

In this connection I may also mention, the remnant of the tribes of the Coushatte, and Alabama Indians. (perhaps 300. souls in all) are living on lands given them by the State, in one of the most settled portions of it. The State has paid an agent to protect their interest for a number of years. They have made considerable progress towards civilization. They have small patches of corn and vines, very well cultivated. They also hire out to neighboring farmers in the cotton picking season. But they need an agent to protect their interests &c. and would be greatly benefited by a few gifts from the Government.

I have recommended to the Legislature to make provision for the Kickapoos, and the other tribes mentioned, in accordance with these suggestions, but owing to our great poverty as a State, and a people, I fear no provision will be made for them, and make this appeal to you in their behalf. — Thousands of dollars of money is distributed annually by the Government to other tribes, who continually depredate upon our citizens, and I think if possible, something might be given to the unfortunate ones, of whom I have written, who have always been peaceable and honest.

As soon as the pressure of business now on my hands will permit, I shall be correspondent with you fully, in regard to the Band of Comanches, and the Caddoes, and other Indians, now at the agency, near Fort Arbuckle, Chickasaw Territory. Recent reliable information from the chiefs of these bands informs me that these people are in great destitution, and need immediate attention. — and I trust you will not conceive it out of the way, for me to beg of you, not to appoint an agent to these Indians from Arkansas or Kansas. — The agent of these Indians should be appointed from Texas, because through them, the wild tribes now in a state of hostility war against the frontiers of this State, can be watched, and controlled. Our State has more interest in this subject, than the citizens of any other state of the Union. I would not venture to make suggestions on this subject, were it not that I have much experience with the wild tribes of the plains, and as Son of the State, I deem it my duty to use every exertion to promote the peace and prosperity of the country. — I will regard it as a special favor to hear from the Department, on the subjects mentioned.

With Great Respect

J. W. Throckmorton

Son of the State of Texas.

State of Texas,
Executive Department
Austin, Sept 22nd 1866.

Gentlemen of the Senate
and House of Representatives

I return herewith to the House of Representatives "An act to incorporate the Galveston & Galveston Wharf and Press Company."

The title declares this to be an act to incorporate the Galveston Wharf and Press Company. The first section incorporates the persons named, for a period of twenty years, "by such and by that name" shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, and in all matters whatsoever." By this it will be observed that the company is not authorized to contract, sue, plead, answer &c. in all matters whatsoever, since nothing but the business of a Wharf and Press Company, but are permitted to contract plead and answer in all matters whatsoever, outside of the legitimate business for which the company appears to have been incorporated. This omission I presume was an unintentional omission in drafting the bill.

The most serious objection is to the second section of the act, which is clearly in conflict with the 24th section of the 7th Article of the Constitution. This section of the act not only provides for the object mentioned in the title, but in addition also provides for the erection of a flouring mill, or "mills to remove the grain from such as may require or possess; also rules for the housing or inspection thereof, and establish a Dry Dock or Docks, with conveniences for the building of vessels, and steam tugs." If it may be contended that the building of flouring mills, and lumber drying mills, so contemplated by this provision, is entirely independent of, and in no way connected with the objects of the act as expressed in the title, yet it is by no means free from doubt that section of Dry Docks for the purpose and in the manner provided is not also liable to the same objection. In the case of Sadlick vs Eccles 20, Tex Reps 792, where, "an act to consolidate the Texas monumental committee, and the Texas Military Institute, with Rutersville College," was brought in question, the Supreme Court says — "It could not have meant that the word object should be understood in the sense of "provision", for that would render the title of the act as long as the act itself. Various, and numerous provisions may be necessary to accomplish the one general object, which an act of the Legislature proposes. For could it be intended, that an act of legislation should be prohibitional, which had reference to the accomplishment of more than one ultimate end, for an act having one, main or principal object in view may incidentally affect, or be preventive of others, and it would be impracticable, so to legislate, as to prevent this consequence."

The inhibition contained was, in general and broad

the

"having one ostensible object, provisions having no tendency to that object, but "really designed to effectuate other and entirely different objects, and thus to "conceal or disguise the real object proposed, by the provisions of an act "under a false or deceptive title."—

Some other sections of course also contain provisions having no relation or affinity to one another, may be embraced in the same bill, under one title, but it cannot be seen from the various enterprises mentioned in the second section can bear that relation. In any event it is clear, that the title is not sufficiently broad to cover the enabling clause referred to. But as these purposes are laudable, and as the public might be benefited by the incorporation of companies to carry into effect the objects contemplated, I would have no hesitation in signing bills for such purposes when properly presented.

There is another objection, though not insuperable, to which I desire to call your attention. It is that of restricting the right of the people to participate in the benefits conferred by such acts of incorporation. Persons living near the localities, contemplated for the operations of incorporated companies, should be allowed to participate in the benefits conferred. And especially should this be the case, where persons are interested in lands and property contiguous to the localities where works are sought to be erected. It is not just to the people that a select few, who have some means, should be alone favored. I call your especial attention to this, because this bill, and others presented, incorporate certain persons, and confer certain powers and privileges, which it appears to me, should only be had by them, as trustees for the benefit of the public. Consequently, the true policy is to open books, and allow subscriptions.

This bill does not specifically confine the operations of this company to Houston or Galveston. It does not say that the company is incorporated for the purpose of owning and constructing its wharves, Docks and Docks, in Houston and Galveston; and if the words "Houston and Galveston" were stricken from the bill, it would be apparent to the most careless reader, as it really is, a company incorporated to operate any where, and any where throughout the universe. If the name of these two goodly cities were not in the bill, there would be a Wharf and Press Company incorporated, without a prefix or given name, and with no local habitation.

I would respectfully suggest to your honorable body that great care should be used in all acts of incorporation, and that no power or privileges be granted, except those specially incident, and necessary to effect the legitimate objects intended to be attained by such laws; and the powers given, and privileges conferred, should be specifically named, and not left to inference or implication.

The general objects of the bill under consideration are proper and I would not refuse to sign a separate bill, properly framed to have provided.

The bill is returned, for your consideration.

J. McThurkendew

Executive Office,
Austin Texas, Sept 24th 1866.

Col Hare,
Dear Sir:

Your favor of late received yesterday with enclosures concerning the indictment of Boyd, for robbery and an assault with an intent to kill, accompanied by orders from Genl Wright. &c. &c.

As a matter of course these orders to relieve Boyd from arrest and trial, have been issued by Genl Wright upon false information as to the facts.

Under former rulings of the Judge Advocate Genl's Dept, it has been held (and is the law of the army) that officers, soldiers, and employees of the army, during the war, are not amenable to, and triable by the civil tribunals —. It is under these decisions and rulings, made during war, and upon false statements doubtless made to Col Hunt of the Bureau, sent from Sherman, caused Genl Wright to issue these orders.

I will get from Reeves (as soon as he can) a correct history of the case and forward all the necessary facts, and endeavor to have the order rescinded, and the Genl civil to answer &c &c.

It is a question to be determined, at Washington, as to when the war actually closed. In legal jurisprudence, a case of doubtful nature will be determined that this was not within the date of the "Declaration of Peace Proclamation" of recent date, August 1866.

If this should be so, there will be no way to get at Boyd, except to show that his conduct was wholly unwarranted — that he was in no way connected with the army, and that his appointment was not valid, and did not protect him — and in consequence he was not entitled to be tried by Military Court.

Judge Heaver has to determine where these cases, I would advise for the present that he submit to the orders just as they are, and take no action until his Court meets, by which time, I may have received such information as will enable him to act advisedly.

Rest assured, these things shall receive my closest and prompt attention. — This is not the only case, but many, and some where much greater wrongs have been done our people. — But I am determined, that no effort of mine shall be wanting, to protect the rights of the people, and maintain the supremacy of the law.

Very Respectfully
Your Obt Servt
J W Throckmorton
Gov of Texas.

P.S. Since writing the foregoing, I see that it will be necessary for you to send me a copy of the indictment, together with the written testimony of the person robbed, and assaulted, with such other testimony as could count at a civil court — together with additional state

=ment of all facts connected with it.

When we undertake a thing we must not fail. Therefore get up the testimony at once.

J.

State of Texas
Executive Department
Austin Nov. 24th 1866.

General Heintzelman
Commanding U. S. Troops.
San Antonio, Texas

General:

I have the honor to call your attention to the accompanying correspondence, marked A. between myself, and the officers of this Dept. touching the Military Commission recently assembled here to investigate the circumstances connected with the murder of Duncan and Dow citizens of Bell County who were arrested, and hanged under the charge of a United States officer and soldiers.

It will be observed by reference to the correspondence that I requested permission for the Attorney Genl of the State to be present, and interrogate the witnesses. This was refused, & the request is respectfully con=ten interrogatories to the witnesses D & C. To this request, I received no reply, and was informed the same evening, that the commission had adjourned. It appears to me that justice to the Army, to the people of this State, and for honorable and fair dealing, in order that there should be no reason for complaint, required that my demand should have been acceded to. It is not material, whether Carpenter could or have ob==tained it such course, and whether innocent or guilty, the commission were duty bound, not to take the testimony of one side alone but to make a full, fair, and impartial examination of all the facts connected with this very unfortunate occurrence.

As the Chief Magistrate of this State, I feel it to be my bounden and solemn duty, to see that the citizens of the State are not thus butchered in cold blood, and that the guilty perpetrators of the same punished. I have understood the military force of the U. S. here sent here to protect the loyal citizens of the country, to aid the civil authorities in carrying the laws and aid to the peace=able, law abiding citizens both and thus secure the peace and quiet of the country.

The General news of the murder at the recent affair, and the testimony of U. S. troops, show indicated Captain Carpenter, and others, for whom the capias has been forwarded to the Sheriff of this County, has fled out of my hands, and will be withheld by me until I hear from you on the subject. There are also subpoenas for several soldiers to appear before

[illegible] to the Army at the seat of war, to give a history of Indian Hate towards Whites & Indian cruelty, and these papers will be published & distributed.

[illegible] Stories that have been [illegible] by the Friends of the Murdered Soldiers are entirely false. There is perhaps sufficient evidence, as stated in the Newspapers, to hang Major Carpenter, & the witnesses expected at Brownsville, will be examined & [illegible] in the Newspapers.

[illegible] the Chief Justice, [illegible] will secure the arrest and trial of the Indian murderers, & the allegiance of the citizens at the next time that Court shall be held.

Herewith please find copies of the Corresponden[illegible] that I have received in the last [illegible]. The witnesses, three very [illegible] Indians, [illegible] being the chief one. Two major Carpenter and Lindley were riding together at the head of the column, talking — that Lindley returned and met Duncan — that one of the Indians came up and told the Major — that an order was heard to arrest Lindley — that in the "Times" got back Dan was also shot by Lindley — that Lindley, then rode "back to where the Major was, and the two conversed together — that the "Indian Carpenter rode down the line and shot the man, that the Major "ordered the men to fire, and in expectation of the same shot, that the "prisoners tried to escape, and were shot in consequence. — They further say "that Lindley was dressed as a U.S. Soldier on picquet. — that the deceased "not be considered as a citizen. &c. — that he was north the Sonnambow "considerable time after the murder, &c &c.

All these things being stated freely, voluntarily, and known to by men who were along, makes really a very easy case against major Carpenter, — & he is innocent. He can conscientiously maintain his innocence, and it is due to his reputation as an officer, and a man that the investigation should be as open and fair as day.

Gen'l. I am sure you will do precisely what your orders will allow, to see that the citizens of the country are protected, and that the violators of law, whether soldiers or citizens, shall be tried for their violations.

I received your telegram yesterday, in reply to the one I sent you, & to the Victoria affair, for which I am greatly obliged.

Your Obt Servt
Lieut. Col. Cav.
Comdg Dist of Texas

J W Throckmorton
Gen of Cavalry.

State of Texas
Executive Department
Austin, Sept 24th 1866.

Dear Sir:

Your favor was received late yesterday evening. I immediately called Genl Heintzelman and asked to have the negroes arrested. He answers me by Telegraph that he has sent to have it done. Your people must do your part, and make out complaints, and have warrants issued for their arrest, and when so done, if Capt Spaulding refuses to allow them arrested, send copies to me, and to Genl Heintzelman.

You must also send me the testimony in the case of coroners inquest upon the murdered German, with a short but complete statement of all the facts connected with it — time — and name of murderers.

Send send me a complete statement of Capt Spaulding's conduct in this and other cases, where he has done wrong. Do these things at once, and I will prefer charges, and try to have him court martialed — also names of witnesses to appear against him, and what each witness will state in brief. I trust your people will be prudent, and not embroil themselves with the military.

I have asked Genl Heintzelman to remove the colored soldiers from your place.

Very Respectfully
Your obt Servt
J W Throckmorton
Gov of Texas.

Executive Office
Austin, Sept 25th 1866.

Maj. Genl Heintzelman:
Commanding U S Troops,
San Antonio, Texas.

Sir I answered your telegram yesterday. I now send you copies of the evidence taken in the case of the colored soldiers Finney, Henry, and another, by the civil authority. You will see that a message has been communicated to Capt Spaulding, requiring a release of the soldiers, and that they have to-day been released from custody. Such, since then, are said to be, and are, not merely [illegible] of your citizens, but [illegible] of a military character, but [illegible] by Court martial. I also send the opinion, [illegible] by Court martial in such case, and also in the case of the [illegible] not discharging his duty in this case, and also in the case of the

Governor who was overawed by the soldiers, makes his escape north. — I have heard that if you ordered him to chase them it was upon his information.

This is the third complaint that has been made against this officer, and I am satisfied he is not worthy of the position he holds, if he is arrested, I will forward the charges, if in my opinion, good also proof also, that is necessary to his conviction.

I have written to Gaston to obtain the testimony taken before the Coroner in the case of the Hanna case was murdered.

With the testimony in regard to Leary and Kibbe you will find a letter from the Mayor of Galveston. — This statement he makes is clear, and seems to be free from undue prejudice. To my mind it is apparent that the difficulties which have occurred are owing to the presence of Colored Troops, and the fact, that the commanding officer is incompetent for his position. With such a command in any part of the United States in order to preserve peace with the citizens, the officers commanding should be prudent, discreet men, and should enforce the strictest discipline — But where the officers themselves are lax in their discipline, and either openly encourage, or quietly permit outrages upon the citizens collisions will necessarily occur.

The facts I have stated, together with the beating of Mr John C. French of San Antonio, and the forcible taking from the jail of Victoria, and hanging of Mr B. F Hill some time since, show that the troops of this Regiment are insubordinate, or that the officers are not performing their duty

I desire to call your attention especially to one fact connected with the conduct of "Capt Spaulding" that is the arrest of the two citizens Leary and Kibbe. The Peace Proclamation of the President restores the supremacy of the civil, over the military authorities, and the arrest of the two citizens, is without any authority whatever. But this is not all, you will see from the enclosed papers, that when the civil authorities demanded the citizens, Leary and Kibbe, upon a warrant for their arrest, the delivery of them was refused. I hope you will give this subject your earnest attention.

I also ask your attention to the 53d article of War, the 2nd section enumerated, taken in connexion with the Proclamations of the President declares that offences by the Military against citizens, are triable before the civil tribunals — I am aware of the rulings of Judge Advocate General Holt (edition of 1866, Digest of his opinions, p 5). That the arrest of a military officer by the civil authorities, as in ordinary cases, is deemed by him unauthorized and irregular. But the rulings of this Department contained in pages 119-20, under the "Habeas Corpus", goes to show, that during war it has declared that peace exists — that the army is muzzled, the military being responsible as the civil authorities for violations of law

I have alluded to this subject, because I desire that Capt Spaulding, the officer who killed the German at Victoria, as well as Maj Barrister, be held to answer for any violations of the law, with which they may be charged, which may have been committed prior to the

Proclamation of the President — and if this is refused, then I ask, that charges be preferred against them for violations of the Articles of War, and that they be punished according to their offences.

Very Respectfully.
J. W. Throckmorton
Gov of Texas.

State of Texas.
Executive Office.
Austin, Sept. 25th 1866.

Maj Genl Heintzelman
Commanding U. S. Troops.
San Antonio Texas.

General.

As I promised on my telegram yesterday, I now send you copies of the evidence taken on the case of the colored soldiers, Emery, Henry and another. By this testimony you will see an outrage has been committed, and that Capt Spaulding having assisted in arresting the soldiers, arrested Messrs Leary and Hobbs, who had to pay money in order to be released from custody.—

Genl, these things are hard to be borne, and I most earnestly beg of you, that not only these soldiers be arrested, and held for trial by the civil authorities, if there is any proceeding against them, but I also ask that Capt Spaulding be arrested, and tried by court martial for not discharging his duty in this case, and also in the case of the German who was murdered by the soldiers under his command. I know that if you ordered him to secure them, it was upon false information. This is the third complaint that has come to me concerning this officer, and I am satisfied he is not worthy of the position he holds.— If he is arrested, I will furnish the charges if required, and the proof also, necessary for his conviction. I have written to Victoria to obtain the testimony taken before the Coroner in the case of the German who was murdered.

From the testimony concerning Leary and Hobbs, you will find a letter from the Mayor of Victoria. The statement he makes is clear, and seems to be free from undue prejudice. It may seem to us a grievance that the difficulties which have occurred, are entirely owing to the presence of colored troops, and the fact that the commanding officers is incompetent for his position.

Upon such a command, on any part of the United States an order of precisely similar character, the officers commanding should be punished, whenever such a command performs the slightest dereliction, but when the officers themselves are the aggressors, and actually commit outrages or cruelty personally, outrages upon the citizens, collusion with civil authority occurs.

This is, and always has been one of the most, vexatious

communities in the State. — Many of the citizens have at all times, manifested true to their attachment to the Union, especially among the Germans, and I think that troops are not necessary to preserve order. I therefore urge upon your consideration, their removal altogether. — in especially to remove this command and the officers, in view of the bad state of feeling which has arisen.

At any time, when troops are quartered in the midst of the people, it requires a spirit of liberality and conciliation, between the civil and military authorities, to preserve harmony and good feeling, and in times and circumstances such as now surround us, it is necessary to use more than ordinary care. — So far as I am concerned, I will use every endeavor, to preserve the peace, and enforce the laws, and no offence by the citizens against the soldiers, shall go unpunished, if it is possible that it can be done.

The facts I have stated, together with the dealing of Mr. John E. French of San-Antonio in the late, and the hanging of Mr. B. F. Rue some time since, show, that the troops of this Department are insubordinate or that the officers are not performing their duty.

I desire to call your attention especially to one fact connected with this case. First is the arrest, by Capt Spaulding, of the two citizens, Leary and Kibbe. The Peace Proclamation of the President restored the supremacy of the civil, over the military authorities, and the arrest of these two citizens, is without any authority whatever. — But this is not all, the civil law from the enclosed papers, that when the citizens Leary and Kibbe were demanded by the civil authorities, upon a warrant for their arrest, it was refused them, and they were still held in custody by the military.

I hope you will give this subject your earnest attention.

I also ask your attention to the 33d Article of War. The law therein enunciated, (taken in connection with the recent Proclamation of the President) declares that offences by the military against citizens are triable before the civil tribunals. — I am aware of the ruling of Judge Advocate Genl Holt, (Digest of opinions, Edition 1866), that he pronounces the arrest of a military officer, for violations of the civil law, by the civil authorities, as an ordinary citizen, as unauthorized and irregular. This ruling was made on a time of war, when the writ of "Habeas Corpus" was suspended. But by the same authority page 119–20, title "Habeas Corpus", the ruling stands, to show, that when the President has declared that peace exists, and that the war is ended; the military become responsible to the civil authorities, for violations of law, as formerly. — I have alluded to this subject because I desire that Capt Spaulding and the soldiers who killed the German, at Victoria, as well as Major Barbeiter, be held to answer, violations of the civil law with which they may be charged, that were committed before the issuance of the Peace Proclamation of the President, and if this is refused, I ask that charges be preferred before the military courts against them, and that they be punished according to their offences.

Respectfully,

J. W. Throckmorton
Gen'l Com

Austin, Sept 25th 1866
Executive Department

Maj Genl Hawkins
Commanding U. S Troops
San Antonio, Texas.

General: The reports from the frontier are distressing. Information just reaches me to-day, of a recent Indian raid into Medina, through Uvalde, and neighboring Counties. Can you not send some of your troops at San Antonio, in that direction, say into Medina or Uvalde, or at a middle pass between the two places. If you can, it will greatly relieve the people of that section.

I have conversed with Capt Claflin, and agree with him, as to the practicity of establishing a post in the vicinity of Jacksboro. I think two companies should be detained there, or near there, and four companies should be stationed permanently at the mouth of the Washita on Red River, or at a point opposite the mouth of Cache Creek. This would protect the two flanks, one east, and the other South of the Texas frontier.

By looking at the map you will observe, that the country north of Red River, and east from the mouth of Washita, there is a section of the settled part of Texas, that is open to Indian depredations, to an extent near 100 miles. — The Indians that infest our north Western border, shelter in the Wichita Mountains, and cross Red River near the points mentioned, when they return the over path. I have long been convinced that this point is one of the most important to guard, and protect, and a few companies there, the entire eight of the Texas Cavalry of the admission are, sufficient. — These two companies in the vicinity of Jacksboro, Texas, with a view to move there by September, 12 months hence, and two more companies at or near the S. E. corner of Comanche County, with a view to move there by Camp Cooper, within 12 months, and at other points lower down, say four companies at Fort Mason.

Lower down, I am not so well acquainted, and therefore make no suggestions. The points indicated by me for Posts, are for temporary purposes only, — for two reasons, first, the posts are suggested, being the present line of settlements, and can be more easily reached with supplies. Next as the settlements extend, the supplies can be more easily furnished. The posts should be advanced, perhaps to the old line.

This remark is not intended to apply to the Post suggested at or below the mouth of Big Washita. This should be permanent. It would cover the Northern border, for more than hundred miles, now entirely unprotected, and also the Western border. It would be the nearest point from which a force could best attack the roads from the Wichita Mountains, where the Indians generally congregate.

Very Respectfully
Your Obt Serv
J. W. Throckmorton
Brig Genl

Executive Office
Austin, Sept 26th 1866.

Gentlemen of the
House of Representatives.

At the request of the Comptroller I send for your consideration the accompanying communication of that officer addressed to me, upon the subject of the proposed assess=ment law, now being considered by you.

J. W. Throckmorton
Governor of Texas.

Executive Office
Austin. Sept 26th 1866.

Maj Genl Kiddoo.
Chief Freedmens Bureau.
Galveston Texas.

Dr Sir:

Enclosed I forward your papers relating to Orange Bray, for whose pardon, application was made by your Bureau some time since. These, and other papers would have been forwarded you some time since, but from the fact that I was expecting you at the Capital. Thinking that perhaps ill health, or business has prevented your intended visit, I wait no longer, but send the papers without further delay

It will be seen from the statement enclosed that Orange Bray was rightfully convicted and should not be pardoned.

In this connection I would say to you, that I have par=doned two freedmen, who were sent to the Penitentiary for theft.— Application for their pardon was made by Wm Gulge, and citizens of res=pectability, who did not doubt that the proof fully sustained the indictments, but because the amounts were small, they were tried under the same rules and regulations applicable to white men.— I mention this in order that you may know the feeling of our people, and my own disposition toward the freedmen I will mention further for your information, that having been actively engaged in the practice of the law up to the time of my coming to this place, I have witnessed in numerous cases the care of our Judges, and leniency of the juries of the country in giving freedmen a fair trial. Under our laws, it is the duty of the courts, to appoint counsel where defendants have none, and are too poor to employ any.— I assure you I have not witnessed the trial of a freedman anywhere, that the Court did not assign the ablest counsel at the Bar, to conduct the defence. I have been appointed myself in conjunction with others, in four cases. In one case I succeeded in getting an acquittal, which I am sure, I could not have obtained a white person. And, Genl I assure you, this such is the feeling of the great mass of our people. But, as you see that

in your letter to me. There is a class among us, who never owned negroes that are inimical to them — This same class are by no means a very large part of our community. and besides, they care but little, if at all, for the peace and prosperity of the country.

The space of a letter will not permit me to give you many evidences that occur to me, of the regard and good feeling, that I know are felt for the freedpeople by the largest and best portion of the people of Texas — Your letter induced the hope, that you would have been here before this, and I trust you will not give up the trip. I will be really glad to meet you and talk all these things over.

A more extended acquaintance on your part, with the country and the people, I doubt not will enable you to judge better of us, and make you more conversant with the true situation, and at the same time eventuate in good to the people, and all classes concerned.

I hope you have enquired into the case of agent Howard of Bosque County, and ordered the return or rearrest of the freedman he released from jail in that county.

You must excuse this rambling letter — The truth is, I trudge away in my office, from morning till dark, and attend to so many different questions, that when I sit down to write concerning a particular thing, or measure, I try to get through with everything touching the matter under consideration.

Hoping to see you soon, and earnestly trusting that forbearance and prudence, will restore our country to peace, — and give quiet and justice to all classes, I remain Genl.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

State of Texas
Executive Department.
Austin Sept 28th 1866.

Maj Genl Sheridan
Commanding Department Gulf.
New Orleans.
La.

General,

Your favor of 20th (Duplicate of telegram of same day), received this morning. As I informed you, I directed the civil authorities to make no arrests. When I did not do this because I believed it was proper for the military to trample the civil authority under foot, or because I believed that the soldiery were innocent of the burning of the town. I did it because I thought the peace and safety of that community would be promoted and because you gave me an assurance that a full and fair investi

should be had, and that the ends of justice should be satisfied. I rely upon your word. — But I fear Genl Cohen can ascertain the guilty parties it will be in vain to have the ends of justice answered. The most guilty parties have already deserted, or been transferred to other commands.

I ask of you to investigate the matter, and see if the parties directly implicated have really deserted, or been transferred to other commands.

Lieut Col Mason's report of the testimony, is not borne out by the sworn statements of the witnesses. It is clear, from his own investigation, that the soldiers without provocation commenced the row — broke up the negro ball — then went to the dancing party of the ladies and gentlemen of the town, and by their bad conduct brought on the trouble that took place there — and then in revenge pillaged and sacked stores and groceries, and finally put fire to the buildings. — And to say the least of it if Capt Smith was in no way connected with the burning he has clearly shown by his certificate, and want of energy, that he is not fit to command troops under such circumstances.

I will forward you, as soon as printed, the testimony of the committee sent by the Legislature. Every thing was done by those gentlemen to obtain a full and fair statement of all the facts. — No unprejudiced mind can review this testimony, and not have the conviction, however unwelcome, forced upon him, that the soldiers were the guilty parties, and that the people of Brenham have suffered a very great outrage at the hands of the U. S. Soldiers.

I regret these unpleasant occurrences, and trust that a mutual forbearance on the part of the civil and military authorities and mutual assistance in maintaining the laws, and punishing offenders will insure peace and tranquility.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Office
Austin Sept. 27th 1866.

Maj Genl. Heintzelman.
Commanding U. S. Troops
San Antonio. Texas.

General:

Inclosed I am
from additional statements as to affairs at Victoria. You will find the prisoner to escape jail, mentioned by the Inspector Genl, is a
criminal offender against the laws of this State, and I hope you
will give such orders, as will make Capt Spaulding disclose the name of
guard around the jail. His company papers, if has recollection just

should be sufficient to designate the parties who were on guard that night around the jail. Capt Spaulding's negligence in this affair should cashier him, it does appear to me, is a court of inquiry, and if it should appear that he did not arrest the prisoners, and make no efforts to investigate their conduct and punish them, or prefer charges against them, he should be cashiered.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of the State of Texas.

P.S. I hope you will order the military to turn the jail over to the civil authorities.

I have just received copies of the indictments against Wm Stanley and Franklin Smith, freedmen, for murder. I thought copies should be sent you. I suppose you have received them. — By reference to these papers you will observe that the indictment was found on the 22nd of August, (after Peace Proclamation of the President) but for an offence committed before its issuance. If these men cannot be tried by the civil authorities, they can be tried by a Military Commission. The names of the witnesses are on the indictment.

J W T.

Executive Office,
Austin, Texas, Sept 27th 1866.

Maj. Genl. Sheridan,
Commanding Department of the Gulf,
New Orleans
La.

General:

Enclosed I forward you an act of the Legislature authorizing me to call out three Battalions of mounted men for the protection of the frontier. The sixth section of this law requires me to tender this force to the General Government. I shall forward a copy to the Sec'y of war by this mail. I trust Genl it may be agreeable to you to receive this force and order them at once to the scene of trouble. If accepted by the Government it is intended for them to be under the direction and control of your army officers, in this District, and for such length of time, as may be deemed necessary by the Government. They can be placed in the field at short notice. — On this connection I will, may I express the hope, that you will use your influence, with the Government, to send no more colored troops to our State, and to withdraw those already here. These soldiers are overbearing and insulting, and quite a number of outrages have been perpetrated by them, all of which tends to generate a state of ill feeling.

It is probable that those on the State could be used service in garrisoning the posts on the Rio Grande. There are no negroes on the

[illegible]

[illegible]

[illegible] the military is not the civil authorities [illegible]

[illegible] they are not [illegible] the [illegible] population. [illegible] the Government [illegible] every day by persons who know that the arm of the Government [illegible] these people in their protection [illegible] by the [illegible].

[illegible] I [illegible] additional information [illegible] hoping that I [illegible] be permitted, I am [illegible]

Very Respectfully
Your Obt Servt
J W Throckmorton
Gov

State of Texas
Executive Department
Austin Sept 29th 1866.

Hon. E. M. Stanton.
Secretary of War.
Washington. D.C.

Sir: Accompanying this communication I forward for your information an act of the Legislature of this State, which requires me to call upon the Federal Government for the defence of the frontier against the attacks of numerous bands of Indians now waging a deadly warfare against our people. The sixth section of this act requires that I should tender the services of these troops to the General Government. In obedience thereto I make the tender, and trust the authorities will accept the service of this command, or part thereof, for such length of time as may be deemed advisable. The frontier is suffering great devastation; murder, robbery, and the most revolting outrages are of daily occurrence.

Unless the Government will extend efficient and immediate protection, the State will be compelled to undertake it, without a dollar in the State Treasury, to defray the necessary expenditures. The troops stationed on the frontier, are of no service whatever. The laws can be enforced, and every class of our population protected in all their rights, without the aid of the military, and I most respectfully ask that the troops be withdrawn.

I have corresponded fully with Genl Sheridan upon all the questions herein referred to, and also furnished him with a copy of the act of the Legislature herein referred.

I also forward for your information memoranda of Indian depredations that have occurred in the last two months. The statements herein are only partial accounts, and by no means constitute the tracks of what has actually occurred within the last twelve months.

I respectfully request that you will make these facts known to the President at once that he may be fully advised as to the condition of our State.

Very Respectfully.
Your Obt Servt
A. J. Hamilton
Gov of Texas.

State of Texas
Executive Department
Austin Sept 27th 1866

To the Officer
Comdg Post of Galveston
Sir: Enclosed you will find a communication addressed to Maj Genl Sheridan, to which I ask your early attention.

Not having learned of the arrival of the Post Commander at Galveston, my communication was addressed directly to the [illegible] of the [illegible].

I will be gratified to hear from the Post Commander, and to correspond with him in regard to the military situation of the State.

Very Respectfully
J W Throckmorton
Gov of the State of Texas

P.S. I have just received reliable information of the murder of [illegible] persons by the Indians. They were cutting hay for the Government to be delivered at the post of Jacksboro.
T.

State of Texas
Executive Department
Austin Sept 29th 1866.

Maj Genl Sheridan
Comdg Dpt of the Gulf
New Orleans
La — General: Enclosed you will find a copy of a letter to me from a highly respectable citizen of Brenham Texas. also copy of Genl order No 5. issued by Brvt Maj G. A. Smith on the 24th inst.

When the difficulty first occurred at Brenham I [illegible] the civil authorities there to call out a sufficient force of discreet persons to preserve order and peace among the people, and not to [illegible] or attack the military.

Maj Smith's representations that he had to [illegible] for protection, was not the result of any attempt or threats on the part of the people toward him or his men. His intrenching [illegible] was caused by fear of the consequences arising from the great outrage perpetrated upon the place by his men. — I ask your earnest attention to the tenor of the remarks made by Maj Smith to Mrs C. R. Breedlove on the 24th inst. [illegible] spoken by him, [illegible] the [illegible] and makes [illegible] [illegible].

In this same connection I would invite your attention to his General order, herein before referred to, and [illegible]

to set aside the laws of this State and to interfere with the police regulations of the civil authorities thereof.

I shall obtain copies of the charges preferred by the Grand Jury in pursuance of this authority against persons in the U.S. service at Brenham Texas for offences against the laws of this State, and when obtained, I shall demand, under the 13th article of Trade Treaty delivery to the civil authorities for trial.

The statement of Major Smith in his orders and Proclamation to Friedman, is purely gratuitous, and originates in the Major's fanciful imagination only. I am confident it is made without any foundation in truth

I must earnestly request you to remove this officer, and his command to some other locality.

Very Respectfully
Your obt Svt
J M Throckmorton
Gov of Texas.

October

Special Message

Executive Department
Austin Texas Octr 2d 1866

Gentlemen of the Senate
and House of Representatives

It is with emotions which I have no language to express, that I announce to you the return of eleven of our unfortunate people from captivity among the Indians. Eight of them left this City this morning, on their way to their homes, in Gillespie County with an escort, kindly furnished by Lt Col Morris, the Commanding Officer of this Post.

Three of the prisoners, Mrs Sprague of Young County, and James and William Ball, of Montague County, are now with their friends in Northern Texas, Mrs Sprague was captured about three years ago, at what time the Ball children were carried off, I have not learned.

Mrs Caroline McDonald, and her three children, Mahala, Rebecca Jane, and Eli, Alice and James Taylor and their half sister, Dorcas Taylor and James Benson have been seen, and conversed with this morning, by quite a number of Gentlemen of your honorable body — From their own lips, you have learned the melancholy story of their sufferings, and in their persons you have witnessed the living testimonials, of the cruel and unhappy condition of our frontier people. The story of the long suffering of these hapless Women

children, constitute but a slight episode in the great story of the terrible calamities encountered by the people of the frontier. Mrs McDonald and those with her, except the lady Sayes Benson, were captured in Gillespie County, on the 8th of June 1865. Her husband was murdered at the time. James Benson was captured in Hamilton County, but has no recollection of the time. I learn his Widowed Mother resides near Fredericksburg.

These prisoners were brought in by the Kiowas and Comanches, and delivered to the U.S. Indian Agent, at the mouth of Little Arkansas in October last, at which time a treaty was made with those and other wild tribes. These, added to others reclaimed heretofore, make twenty two, recovered from the Indians, within the last eighteen months. There are quite a number of Prisoners yet in the hands of the Indians, some of whom were captured before the making of the treaty referred to, and others, taken since. It has been but a few weeks ago, in Cook County, that a Mr Bore was murdered, and his Wife and two grown daughters and two younger daughters, were carried off. The last mail brought the intelligence of the murder, in Jack County, of Mr Enoch Jones and son and two negroes, after a most desperate struggle with the Savages. So that, we see treaties with perfidious people, are of no avail. I trust the day of retribution is not far distant. The time has come, when every impulse of the heart demands, that this long continued scene of murder and rapine should cease. I shall use every means in my power, to impress the Military Authorities with the necessity, of active and vigorous operations, against these marauding bands, that have so long been the scourge of our People. In the event of a failure to accomplish this, it must be done by our-selves.

It is proper that I should inform you, that the returned Prisoners had no means of reaching their homes, after their release from captivity, and waited long and anxiously, expecting assistance from the Government. In this they were disappointed.

Mr Joseph Dunlap, a citizen of Kansas, commiserating their situation, fitted up teams, purchased provisions, and otherwise furnished their wants, as far as he was able, and has accompanied them home. He has made no charge and leaves it to your liberality to compensate him as you may deem proper. Such an act of humanity, by a Stranger, to these suffering women and Children of Texas, under the attending circumstances of their history, challenges our gratitude, and shou

be responded to in a spirit of liberality, that will show the hearty appreciation entertained by us, for conduct so humane and commendible. I must respectfully suggest the necessary appropriation.

J W Throckmorton
Governor of Texas

State of Texas
Executive Department
Austin October 5th 1866

Genl Getty
Comdg. Dist. of Texas.

General

I notice by the papers, your arrival at Galveston. The deplorable condition of the frontier, compels me, to call upon you at once, to use every exertion in your power, to send forwards effective troops to the border! Within the last month in the Counties of Cooke, Montague, Wise and Jack, no less than seven persons have been murdered, and ten women and children, have been carried into captivity. In the same section, within the same period, not less than five hundred heads of Horses, have been driven off, besides large droves of Cattle.

I am just in receipt of a communication, conveying information, from George Washington, Caddoe Chief, on the Indian Reservation, near Fort Arbuckle, I. T., that the Wild Tribes, have determined upon a general invasion of our border, and are now carrying it into execution. Very recently, a Company of twenty-five Settlers, followed a party of Indians, who had prisoners, to the Wichita Mountains, where the Indians they were pursuing, were joined by another body of several hundreds, which body had a large herd of cattle. The Indians turned and recrossed Reds River, at the mouth of Pease River and struck off in the direction of New Mexico.

General, may I venture to hope, that you will use your influence, with Genl Sheridan, to order a campaign this Fall, against these murderous Arabs of the plains. The rains have been abundant, and the Fall ranges, will be good. If one Thousand mounted men could be sent to make a vigorous campaign into their distant places of resort, and break them up, and take their plunder, and reduce them to beggary and want, they might be made to observe treaties. But to make a campaign successful one Thousand men should start, from the upper Red River, say from the Mouth of the Wichita, and

hundred of them go through the mountains, and North to the Canadians. The other four hundred should move from Fort Smith, and the Creek and the two Cherokee regiments high up in the Canadians. At the same time this movement should be followed up by a strong force from Kansas, in the same direction, and a body from New Mexico in the direction of the sources of the Pecos and Red River. When the Indians are forced from one position after another they fall back towards the sources of the Brazos, and in the meantime we are carrying on a vigorous campaign against them.

From what I learn of the disposition of these Indian tribes, the leaders of Texas and Mexico are the cause of the suffering and ill-will as regards Texas.

I have at many times endeavored to make the impression here that the last year and General Sheridan will not take it in the light from which Colonel Cooper and General Pike commanded the Creek Nation, and at the time of the massacre of the Indians, on the head waters of the Paint Creek, with the Chickasaws, Choctaws and Comanches. I know their habits and feelings, and am well convinced that we can have no permanent peace with them until a war of extermination is waged, and they are taught to know and dread the power and power of the Government.

Meanwhile, I have instructed the Agents of the Government in making treaties with the Indians to use them as large number of friendlies as an instrument to the delivery of prisoners. This is commendable in consideration that the effect is lost, as they, violate their treaties immediately, revert to the same acts with as little to gain by it.

If any expenditure is made, take account the amount, it is important that it should in fact be paying of a section of power. I can assure you that you can have any quantity of supplies placed at any desired point on the frontier at the shortest notice.

If your duties will permit I request to very happy to see you at the Capitol and confer with you on these subjects. I regret very much that your stay did not extend long enough to this place, so that I could have conversed with him fully upon the questions touching the military situation of Texas. One thing of great I am well assured, is that this Department should evacuate Texas, with the Northern Indian Territory. Then we had could direct the whole operations, without waiting for long and distant conferences, before any general policy is adopted.

October

Very Respectfully

J W Throckmorton
Governor of Texas

Executive Department
Austin October 3rd 1866

Hon David G Burnett

Sir:

I have the honor to transmit herewith your credentials as Senator from the State of Texas, to the Congress of the United States. Hoping that you may yet be spared many years of usefulness to your Country, with health and happiness as the reward for your many public services.

I have the honor to be
Most Respectfully
Your obt Servant
J W Throckmorton
Governor of Texas

Special Message

Executive Department
Austin, Texas Oct 4th 1866

Gentlemen of the Senate
and House of Representatives:

I return to the House of Representatives a Bill originating in that body, entitled "An Act to incorporate the Woodlands College and to prevent the sale of spirituous liquors within three miles thereof."

The act is in conflict with the 24th Section, Art. 6th of the Constitution, which says every law enacted by the Legislature shall embrace but one object. The incorporation of a College is one thing, and the prohibition of and fixing a penalty for the sale of spirituous liquors, is another.

Independent of this serious objection, there is another equally as grave, to which I must respectfully invite your attention. The law is special in its provisions, denouncing in its prohibitory clause, unusual penalties, for the sale of spirituous liquors, in a particular locality. Every penal law should be uniform, at least the same penalty should be denounced and inflicted, for the same offenses wherever committed in the State. For instance it would be legitimate to denounce a penalty of not less than fifty, nor more than one hundred dollars

against every person who shall sell spirituous liquors within three miles of any College or Institute of learning. This would give generality and uniformity to the law, bearing upon all sections and classes alike.

Special punishment should not be inflicted in favoritism to any locality or corporation. All laws, especially those of a penal character, should be uniform in their operations. This bill makes the unlawful sale of spirituous liquors, within three miles of Woodlands College a greater or different offence, from the unlawful sale of liquors in other locality, besides which the law is only made to apply to the locality of Woodland College, and not to that of other like institutions. It is partial in its operations and objects, and is not to be regarded as the law of the land. As such it is in violation of the 16th Section of Article 1st of the Constitution.

This men gives greater force when we consider, that the law creating the offence and prescribing the punishment is a private act, and is by the regulations of the Statute, published only in the Special acts of the Legislature, and but few copies of which are ever printed, and which are seldom read or circulated among the people at large, and which are almost unknown to the legal profession. Such laws are a snare to the unwary, and can only be likened to the laws of Caligula, which, when published, were placed so high that the people could not read them.

The bill is returned for your reconsideration.

J. W. Throckmorton
Governor of Texas

Executive Office
Austin Texas Oct. 4th 1866

Gentlemen of the Senate and
House of Representatives.

I transmit herewith the annual report of the Trustees and Superintendent of the Lunatic Asylum. Also a copy of the report report of Doctor Graham, made at the commencement of your session, and which I learn has been mislaid. I ask that the Report of Dr. Graham and the first annual Report of Dr. Beall, be printed, with other reports from the Heads of Departments, and the Reports of Superintendents, of the Deaf & Dumb and Blind Asylums

I would respectfully invite your attention to the suggestions contained in Doctor Grahams Report, concerning repairs &c at the Lunatic Asylum, and the construction of an out building at moderate cost, for the care of insane freedmen.

In the event this plan is not adopted, the counties should be required to take care of this class of the Lunatics.

I would also suggest the adoption of some measure that will force the Counties, and individuals indebted to the Asylum to make immediate payment of their dues; upon a refusal or neglect to do so, suit should be instituted by the County or Distrect Attorney to enforce the collection.

Very Respectfully

J W Throckmorton
Governor of Texas.

Executive Department
Austin Texas Oct 6th 1866

General U. S. Grant
Comdg Army U. S.
Washington D.C.

General:

Some time since I had the honor to forward to Genl Sheridan, also to the Secty of War, copies of a recent Act of the Legislature, requiring me to call out one thousand men for the defence of the frontier of this State. The act referred to requires that I should tender the service of the Regt to the General Government, which I have done. I address you with a view to urge the acceptance of these troops, for such lengths of time as you may think necessary, and for the further purpose of asking you to order vigorous measures against the wild tribes of Indians now depredating upon the borders of Texas, New Mexico and Kansas. In a communication to the Comdg Officer of this military District I have urged the concentration of one thousand men on upper Red River, about the mouth of the Wichita, to move, this Fall through the Wichita mountains, and West of them through the Texas and Indian Territory, North of Red River, in two Columns, marching high up on the Canadians, and scouring up those streams. This section is the great resort of the Indians. I also suggested, if it could be so arranged, that at the same time these two columns move, that a column should move from Kansas, and one from New Mexico, – all converging toward the Canadians, and the sources of Red River and the Pecos. The head waters of these several streams, and especially along the Canadians, are sections of country where the wild tribes principally resort and retre with their plunder. A body of troops moving from Texas is easily

by the Indians, and they flee towards the borders of New Mexico, or towards the Arkansas river, and troops are broken down before they can strike a blow. But if a simultaneous movement was made, the columns converging to their hiding places, they might be made to feel the power of the Government in one campaign. I have been on the frontier of this State for twenty-five years, and I aver now, General there has been more depredations within the last few months, than in years before. Last October three wild tribes (Cheyennes, Arrapahoes, Comanches, Kiowas and Sipans) made a treaty with the Government Agents, and delivered up ten captives they had carried from our border. Since that treaty they have killed not less than one hundred of our people, and quite a number of our women and children carried into captivity. Within the last month I have positive information of the murder of seven citizens, and ten persons carried off. The loss of property has been very heavy. The Indians have swept the frontiers of the immense herds of cattle, and are now penetrating interior counties, stealing large numbers of horses.

The scenes of misery and desolation are truly appaling. As the commanding officer of the Army I make this appeal to you, with the hope that you will direct at once a vigorous campaign to be made. The grass is better this season than usual on the plains, and perhaps more favorable time than this Fall will present itself for active measures. I trust you will not deem me presumptuous for writing so freely and making the suggestions I have submitted. I should not have done so were it not for the urgent necessities of those who look to me to see that the Government is made acquainted with their condition. I have written fully to the Comdg officers of this Dept and District. But upon reflection I have thought it my duty to address you at once, and call your immediate attention to the condition of affairs here.

With great respect, I am, Your obt Svt

J W Throckmorton

Governor of Texas

Executive Office
Austin Texas Oct 6th 1866

Maj Genl Sheridan
Comdg Dept of Gulf,

General— I have the honor to acknowledge your communication of the 3rd inst. I am much gratified to learn that you have so promptly ordered a cavalry force to Fredricksburg. They are much needed at that point, but the most serious depredations are being committed on the border along the waters of the Brazos, Trinity and Red River. In truth, there is no part of the frontier that is not suffering more or less. Every day brings the most distressing and heart

recording accounts of the murders and sufferings of the frontier people. The settlements are rapidly being broken up. A very large amount of property has been taken and destroyed by the Indians. Quite a number of women and children have been carried into captivity. Only a few weeks since, within fifteen miles of Gainesville, the county seat of Cook County (one of the interior counties, but bordering on the Chickasaw Nation) a man was killed, and his wife and two grown daughters, and two younger daughters, were carried into captivity. I only mention this as one instance, and because you will see by reference to the map, that West of Cook County there are several counties of considerable population, but immediately North of this part of the frontier is the adjacent Indian territory, the western part of which is not populated, and through which the wild tribes travel in making their raids upon this portion of the border.

Accompanying this communication I send you a synopsis of information received from various portions of the frontier within the last few weeks. I deem it proper that you should have this information, and I assure you this is by no means a full and complete representation of all the depredations committed.

From recent reliable information I am certain the Cheyennes and Arrapahoes, (Tribes that live far beyond the borders of Texas) were joined in their recent annual Council by several other tribes, and determined to continue their war upon Texas, with redoubled vigor. Events recently occurring satisfy me that this determination is being now put into active execution.

I beg to call your attention to the fact that the Cheyennes and Arrapahoes during the last few years, on account of their depredations upon the W & S trains, immigrant travel across the plains &c., have been gradually drifting South to evade pursuit, and in the cold seasons have been wintering in the Witchita mountains, North of Red River. In this locality they consort with the Kiowas, Northern Comanches and Lipans. All of which tribes are now concentrating their forces upon the border of Texas.

On account of the shelter offered these hostile tribes, by the mountains and streams, bordered with bottoms of heavy timber, and the facility with which they can travel unseen through the Western part of the Choctaw and Chickasaw Nations, it is a matter of absolute necessity that a strong post should be established near the Southern base of the Wichita Mountains, and another about the mouth of the Wichita, on Red River, or some ten or fifteen miles lower down, at the mouth of Cache Creek. These two posts would cover the line from Clay County, East, to Cook County, and would also cover the line of Indian travel, from the mountains towards the frontier counties of Jack, Young, & Palo Pinto. This would be the beginning of the line connecting with Fort Belknap and the old line of Posts. I hope General you will pardon these suggestions. I would not make them to one so eminent as a military man, were it not, for the last two years of the war I was myself in command on the frontier, and have a personal knowledge of the localities mentioned. I presume that the Indian country North of Red River, and South of the Arkansas, is not your Department, but I am sure you will agree with me in opinion it should be, as the wild tribes inhabiting the country South of the

and also those living in New Mexico, are at war with the people of your District ——— I deem it proper to inform you that the Legislature now in session, have passed an act authorizing me to call out one thousand men for frontier defence. This measure is not to be resorted to by me, if the General Government sends an adequate force at once for the protection of the People. The State is illy prepared to undertake this heavy expenditure, but the necessity is so urgent that I will be compelled to call out the force at once, unless I receive an assurance from you of speedy relief. I trust, General, you will make an appeal to the authorities at once in our behalf, and without delay have placed at your disposal, a sufficient force to insure safety to the lives and property of our people.

——— You mention your great desire to "remove the troops from the settled portions of the State, as soon as there is a practical illustration of good sentiment and an entire security to every class of population in the State." General, I am aware of the ten thousand misrepresentations of our people published to the world, by persons who have no desire to see peace restored to the Country, who really wish to incite our people to acts and expressions disrespectful to the Government; and while I ~~know this to be~~, I am free to admit that there are a few, very few, heedless and malicious persons among us, citizens of the country, who say and do things truly reprehensible. But while such is the fact, I know that this is confined to a very few and constitutes nothing like general sentiment among the people. ———

——— I think I am entirely justified in assuring you that the civil authorities of the State, are not only competent to, but will, protect all classes of the people, in the enjoyment of every right of person and property. And I am satisfied they will respond to any legitimate call made upon them by the Agents of the Freedmen's Bureau, in the exercise of their duties as officers of the Government. ———

——— It will afford me pleasure, General, to give you information touching the general feeling and sentiment of our people and to respond to any enquiries in regard to particular sections, or special events occurring among us. I know of a few special circumstances, that have been reported, of bad conduct on the part of some of the citizens of the State, that are without the shadow of truth. ———

——— Hoping, General, to hear from you soon, and that you will be able to afford relief to the suffering people of our border,

I am, with great respect,

Your obt Svt

J W Throckmorton

Governor of Texas

Executive Department
Austin Texas Oct 8th 1866

Maj Gen. O. O. Howard
Comr Bureau of Refugees &c
Washington D.C.

Sir:— Your note asking for copies of recent Ordinances of the Convention and acts of the Legislature, in reference to Freedmen has been received.

In reply, I will state that the Legislature of this State is now in session but will soon adjourn. There are several important measures before them concerning the subject of which you enquire. As soon as they shall be acted on, or upon the adjournment, I will cause the information you seek to be furnished to you. I am Very Respectfully Your obt. Svt.

J W Throckmorton
Governor of Texas

Executive Department
Austin Texas, Oct. 8th 1866

Capt. George B. Pickett,
Decatur, Texas,

You are authorized to raise a company for frontier service in the Counties of Wise and Denton, under the late Law of the Legislature. You will organize your company and have it ready for service, but you will not take them into service on the account of the State, until further orders. You will raise the men in the two Counties in proportion to their population.

Each company is entitled to one Captain, two Lieutenants, four Sergeants, four Corporals, one Bugler, one Farrier and Eighty-seven (87) privates. You cannot organize until you have sixty-four (64) privates. After you have enough men to organize, you will cause an election to be held for Captain and other officers. The muster roll to be made out and signed by the Captain elect.

No appropriation has yet been made to procure supplies or pay the men, but I have no doubt such law will pass soon. The moment I have authority you will be ordered into the field.

You should use care in selecting men who will do efficient service. Secure the best arms and horses possible, and receive no man who is not well mounted and armed.

J W Throckmorton
Governor of Texas

Note.— Copies of the above Commission sent to Capt. J.B. Earhart, Decatur; Jack Lenicton, Weatherford; J B Barry, Meridian; J.B. Davis, Rock; C.R. Perry, Blanco; Wm C Durand, San Antonio; Jno W Sansom, Hodges Mills; J.P. C Hambrick San Saba; Wm H Harris, Alvarado. Jno

Executive Department
Austin, Texas, Oct. 8th 1866.

H. B. Hutchins,
President of the H & T. C R R Co,
Houston, Texas,

Sir: Your letter of 27th inst. was received several days ago. It was handed to the Atty Genl W. M. Walton, that he might examine law touching the matter of your enquiry.

Having received his reply I take pleasure in furnishing you the substance of it, trusting at the same time, that you may succeed in raising a sufficiency of funds to speedily complete your road to its terminus.

The Houston and Texas Central Railway Company has the authority, under the law of the State of Texas, to issue interest bearing Bonds, payable in the future, for the purpose of raising funds to prosecute the work of building said Road. In the 4th Sec of the Act, entitled "An Act for the relief of the Galveston and Red River Railway Company, and supplementary to the several acts incorporating said Company," approved, 25th Jany 1856 - page 30, Special Laws of the 6th Legislature; it is provided, "That said Company is authorized to borrow money from time to time, for the construction of their Railway, and to secure loan by pledging and mortgaging the property, both real, personal and mixed of said Company, and to issue bonds with interest warrants attached, and payable at such time and place as the Directors may deem proper."

In Sec I of an Act entitled "An Act amendatory of, and supplementary to an Act to establish the Galveston and Red River Railway Company, and the several acts supplemental thereto," passed Sept. 1st 1856 pag 259. Special Laws, adjourned session of the 6th Legislature, it is provided, "That the Galveston and Red River Railway Company may change its name to that of the Houston and Texas Central Railway Company, and by that name may sue and be sued, grant and receive, and generally do and perform all such acts and things as they could legally do under their present name."

This last mentioned act gives to the Houston and Texas Central Railway Company, all the rights, privileges and advantages which were possessed by the Galveston and Red River Railway Company, one of which rights was, to issue bonds with interest warrants attached.

These laws stand to-day in full force on the Statute Books of the State, and the Houston and Texas Central Railway Company, has the full right to issue its interest bearing bonds, and dispose of them to raise funds to prosecute the road towards its completion.

The Legislature of the State, heretofore, and at the present session, has been exceedingly liberal towards the Railroad Companies of the State, that have shown an earnest desire to prosecute their works. As an instance, I need only mention the confirmation of the lands to the Texas Central (Houston and Texas Central Railway Company) by the present session of the Legislature. I am

tertain no doubt as to future encouragement by the State to such Companies, as in good faith, endeavor to comply with the requirements of their Charters.

Expecting only a few years to elapse, when your Road shall have reached Red River and formed a Connection with the Kansas Road, now being constructed towards Texas; after having formed a junction with the Memphis & El Paso and Southern Pacific, some where in the region of Dallas, and wishing you every success, I am

Very Respectfully
Your obt Svt
J W Throckmorton
Governor of Texas

P.S.

I would suggest that you take some steps to concentrate your Company, Southern Pacific and Memphis & El Paso, on a point of junction some where in the region of Dallas, and then the three Companies be combined in one Company westward. Your Company, however, continuing to Red River. But the three Companies united in one under a new Charter, amendatory of the El Paso Charter, for a common trunk. This can be easily done, and the Legislature will give a twenty mile reservation after the line passes through the present lands already located; say about double mountain on the Brazos. I mention the El Paso Charter as the proper one to be amended, because it is now the best in the State. It has a reservation of six miles surveyed maps, plots and field notes already in the General Land Office.

If the three companies can be induced to do this, such a combination of interests can be formed in Congress, as will ensure the completion of the Road to the Pacific. 1st, It is the best route. 2nd It connects the Gulf and Northern Texas on the nearest and most feasible route. 3rd Brings Mississippi, Alabama and Georgia, in fact all the South, to bear on the line. 4th Brings in the interest of the Arkansas, Memphis and Tennessee, Kentucky and Virginia directly. Then Missouri and Kansas and the Indian Territory. Combining such numerous advantages, and powerful influences as will ensure Congressional aid. I incidentally and hurriedly allude to this subject for your serious reflection. I have not time to elaborate.

J.W.T.

Executive Department
Austin Texas, Oct. 11th 1866

Gentlemen of the Senate and House of Representatives:

I herewith return to the House of Representatives, in which it originated, an act entitled, "An Act declaring A. J. Davis and J. C. Dai citizens of Denton County."

There are several objections to the proposed law, in its present shape. 1st It is directly and palpably in conflict with the 24th Section of the VII Art. of the Constitution. It is captioned as an act declaring certain grant

citizens of Gonzales County, when in truth, it is a measure to change the boundary line of two counties. This fact would be sufficient warrant for me to veto the bill, but, 2nd The boundary line of Denton County is fixed, by law, by course and distance from known points. See act creating Denton County, Laws of 1846, page 87 The boundary lines of Cass County are also fixed, by law, and are based on the ascertained northern boundary line of Benton County. See acts of 2nd Legislature, page 185.

The boundary line of Denton County was better defined by act of the 10th Legislature. See page 32. Through all these acts and in fact through all acts creating counties, a main point is kept in view either to establish them by known lines, or by imaginary lines drawn by course and distance from ascertained points. It is not allowable at this day to waive this rule of such long standing, and which is of such essential importance in keeping well defined the political divisions of the State, and adopt in its place, a rule, that will govern boundary lines by the residences of private individuals. If one act of this kind is allowable, then it would be allowable to establish it as a rule. 3rd It is not deemed a safe policy to change the boundary lines of counties which are well established, unless some public convenience is subserved thereby; or at least, unless it is made to appear that the citizens of the counties will be advantaged by the change.

I respectfully return the bill for your reconsideration

J W Throckmorton

Executive Office
Austin, Texas, Oct 12th 1866

Hon Henry Stanberry,
Attorney General,
Washington D.C.

Sir:- Herewith I forward you copies of telegrams sent by me to the civil authorities at Brenham, Texas, also copies of telegrams passing between Genl Sheridan and other U.S. officers and myself, together with a report of the Committee of the Legislature, and the testimony taken concerning the pillage and burning, by U.S. soldiers, of the town of Brenham, on the night of the 7th of September 1866. (No 1) I also send you copies of papers founded on indictments against two colored soldiers, by the Grand Jury of Victoria County, for the murder of Wm Walker with the return of the Sheriff thereon. (No 2) You will also find the sworn testimony of citizens touching outrages perpetrated against two citizens of the town of Victoria, and the manner in which said soldiers were upheld, in their outrages, by Capt. Spaulding, the commanding officer of the post. (No 3). I also take the liberty of forwarding to you, copies of correspondence passing between the civil authorities at Sherman, Tex

and Col Abert, commanding at that point, in regard to indictments against Geo P. Boyd (two for aggravated assaults and the other for robbery) (No 4). I have the further honor to call your attention to copy of the letter of Judge Ireland touching the mutillation of the record, and destruction of Court papers, in the county of Caldwell, by Lt Madden, 6th N.Y. U.S. Cavalry. (No 5)

In regard to the pillage and burning of Brenham, the testimony enclosed, conclusively shows who were the guilty parties. It will further show that the report of Lt Col Mason, is not sustained by the facts, and that the statement made by Maj Smith, that he had to entrench for the safety of himself and men, is absolutely false; that he had no cause to entrench save the fear naturally arising from a guilty knowledge of the great wrong he had done a peaceable and inoffending people. The outrage was great enough to have justified the people, in ordinary times, to have resorted to means of summary vengeance. In any Northern State, I apprehend that Maj Smith and his men, under similar circumstances, would have been sacrificed to popular indignation and fury.

There are two cases of difficulty at Victoria. One in which the Capt. comdg, refuses to permit the civil process of the law to be executed against parties notoriously guilty of murder, and against whom indictments have been returned by Grand Juries, legally discharging their duties; the other, where the most flagrant violation of law and outrages were perpetrated on citizens, by colored soldiers. The testimony reveals a very strange condition of affairs.

The case at Shuman is simply where indictments have been presented against a citizen, who was at one time temporarily engaged in collecting the property of the late C.S. States; he was properly arrested by the Sheriff, and held under the law, to answer for the offences he had committed. Col Abert released him by force. I desire to call your attention especially to these several cases, and to the facts and testimony submitted, and respectfully request that you will lay the whole matter properly before the President, in order—

1st That he may have orders issued requiring the military authorities to deliver to the civil authorities for trial, the several parties against whom indictments have been found, and who are mentioned or referred to herein, together with Maj Smith, and any of his men, who may be indicted for a violation of the laws of this State.

2nd That orders may be issued enquiring into the facts, whether any of the men of Maj Smith's Command were transferred to other commands to prevent their arrest and trial by the civil authorities.

3rd That the matter may be placed in such shape that the sufferers may be compensated for the loss sustained at the hands of U.S. soldiers.

You will observe by the enclosed order of Brt Maj Smith, that he ignores the Peace Proclamation of the President, and interferes with the posse comitatus, ordered out under my directions, to assist the Sheriff of Washington County, in preserving the peace.

I feel constrained to lay these matters before the President in order that I may receive from him, through you, information, as to how far

the military are to interfere with the civil authorities of this State. I know what is due the civil offices, and laws of the State, and under ordinary circumstances would assert the undoubted Constitutional prerogatives of the State Government, but feeling sensibly, the delicacy of the Presidents situation, and knowing the efforts made by him, to secure the people of the Southern States, the full protection guaranteed them by the Constitution and laws, I deem it but prudent and just, to refer these questions to you, in order that the President may be apprised of the high handed measures, pursued by the military in this State. I do so with the confident hope that the people of this State will receive at his hands that protection which their fidelity to the General Government demands. At the same time I beg to assure the President of my determination to co-operate heartily and to the fullest extent, with him, in promoting a rigid observance and enforcement of the laws, national and state, and thus contribute all in my power, to secure peace and tranquility to the country.

Very Respectfully
Your obt Svt
J W Throckmorton
Governor of Texas

Executive Department
Austin, Texas, Oct. 18th 1866

General Getty,
Comd'g Dist of Texas, Galveston,

Sir: It has been brought to my attention that orders have been issued from Dist Hd Qrs. of Texas, in pursuance of which, in the month of May or June 1866, Lt. Maddox of the 6th N.Y. W S Cavalry, proceeded to the town of Lockhart, Caldwell County, Texas, and mutilated and destroyed the papers in certain causes therein pending. One cause No 1056, in which W.P. Johnson was plaintiff and Thos He Baker and —— were defendants. Another in which the State of Texas was plaintiff and Griff Finney, was Deft. No 466, and another, No 486.

The papers in these several cases were forcibly taken by said Maddox and his endorsement entered on the records of the County, that he acted in pursuance of orders from Maj Genl Wright.

I would further call to your attention, that on 4th Sept. 1866, Brevet Lt Col W S. Abert, 6th W S Cavalry, did, by his orders, release from the custody of the Sheriff of Grayson County, one George P. Boyd, who was under arrest on Indictments preferred by the Grand Jury of Grayson County, for robbery, and for assaults with intent to murder. Col Abert claims to have done so in pursuance of orders from Dist Hd Qrs. In this case I presume it was claimed by Boyd that he was acting under orders of the military authorities. If so, his statement was untrue,

his offices were terminated on 30th Dec 1865, and he was not authorized to act as an agent of the Government until 29th Jany following. The truth is Mr George P Boyd, did rob a loyal citizen of Grayson County, and did make murderous assaults upon other loyal citizens, without provocation or justification, at which time he was not in the employ of the Government.

I will be obliged to you for copies of all papers in your charge concerning any orders, information or instructions given to Lt Chandler and to Lt Col Abert, in regard to the several cases mentioned, and copies of papers sent to Dist Hd. Qrs. which may have induced the orders to these officers.

I desire to be placed in possession of all the facts, in order that I may be enabled to lay the matter properly before the authorities at Washington

It is proper that I should inform you, that although I have power now to do so, I have requested the Civil authorities to take no further steps in their Courts in relation to these cases, until I can confer fully with the authorities of the General Government.

Your early attention to my request will greatly oblige

Your obt Svt

J W Throckmorton

Governor of Texas

Executive Department
Austin Texas, Oct 15th 1866

Maj Genl Kiddoo
Ch. Freedman's Bureau
Galveston, Texas.

Dr. Sir: It is with regret that I have to inform you that Capt Craig, Agent of Freedman's Bureau at Seguin Texas, a few days since arrested the Dist Clerk of Guadalupe County, for refusing to give up certain of the papers of the Dist Court of that County. Mr Cerring subsequently obtained and destroyed or took the papers away. I have to request if this has been done by your order; and if so, upon what statement, and by whom made, that you authorized the act. Copies of statements sent to you giving information, and of any orders to or from you, on the subject, are respectfully requested.

Very Respectfully

Your obt Svt

J W Throckmorton

Governor of Texas

Executive Department
Austin, Texas Oct 10 1906

Mr. R. Stevenson,
Attorney General,
Bloomington Co.

Sir: Since my communication of the 12th, one other case has occurred to me, that seems thus far to be within of the Rapid Transit service, which is _____

The history of this case is briefly as follows: A party of Cowboys and Vaqueros, that reported to the military, that his cattle had recently been taken by a band of Mexicans. They were found, on a thorough inquiry, to be false, a company of Louisiana were dispatched to reach Mexico over the ocean, might find out. The Officers were ordered in full uniforms and fully armed, in the performance of a disagreeable duty, but they have arrested an Citizen of the Lone Star Republic, but then a great distance from the occurrence. By being in the rear of the company under a special guard, made the Company commanding the Citizen Finley, who had been the cause of the arrest, left Lt. Carpenter, who is now recommending it the head of the company, and sent to the rear and deliberately kill the two prisoners. It is not denied that the murder occurred, nearly as detailed. No effort was made to arrest the murderer at the time. Upon the testimony of several of the soldiers Lt. Carpenter and associated with the man Finley, for the murder of Prentiss and Scott.

A military commission was ordered by the Lieutenant General to investigate the conduct of Lt. Carpenter. The Governor of the State requested permission to have the Atty General of the state present, for the purpose of cross examining the witnesses, but was refused.

I have been informed that the military will not permit Lt. Carpenter to be arrested under the Capias, copy of which I have previously sent to you. I would also call your attention to the accompanying communication from the County Officers of Randolph County, in relation to the acts of one Capt. Lorain, Agent of the Freedmen's Bureau in that County, in taking the papers and records of the District Court of that County in civil and criminal cases. See Exhibit marked No 1. I respectfully state that the suits filed, and indictments found, in the several cases referred to, have been in consequence of the most serious violations of the laws of the State by persons who claimed to be acting under orders of the Bureau. But the truth is their acts and outrages were beyond any authority conferred upon them, and their authority was abused. If their acts were in pursuance of orders, then the parties who issued such authority should be punished. The parties indicted and held could plead legal orders and ~~[illegible]~~ the Courts would not punish them, or judgments be rendered for damages. I beg leave that the proceedings of the Courts, mentioned in this letter, and the previous one of the 12th, were had by the officers appointed by Provisional Governor Hamilton, and their Courts organized by his

With the hope of hearing from you soon, and confidently expecting the protection of the General Government to be extended to the civil authorities of the State, and to her people, I have the honor to be

Most Respectfully
Your obt. Svt.
J W Throckmorton
Governor of Texas

Executive Department
Austin, Texas, Decr 15th 1866

Gentlemen of the House of Representatives:

In response to your resolution of the 12th inst. I herewith transmit statements from Comptroller in relation to the indebtedness and liabilities of Rail Road Companies to the State, the date of their last reports and exports. I have no further information on this subject than that heretofore communicated, except an application made by the Houston, Texas Central Company asking that the amount of twenty-seven thousand dollars State Warrants, received by them during the war under an act of the Legislature, and tendered by the Company, under the act referred to, to the Comptroller, as a payment due by them to the School Fund, and which was refused by the Comptroller, on the ground, that at the time of the tender the functions of the offices of the State Government had ceased by virtue of the surrender of the army of the Confederate States and in consequence of certain orders issued by the military authorities of the Genl Government.

The original package of State Warrants so tendered, with the correspondence in relation thereto, will be placed in the hands of the Chairman of the Committee on Finance of your Hon. Body. As the question involved is one of considerable moment to the State, and to Rail Road Companies, and, as the same question may possibly arise with other Companies, I would respectfully suggest that the subject receive due consideration, and be determined by the Legislature in such manner as will be just to the State and to the Company.

I have refrained from making any suggestion as to the policy that should be adopted, for the reason that I have not had the time to examine the legal questions involved, and for the further reason, that there are other questions that will present themselves which your Hon. Body will doubtless consider in connection with the settlement of the Public debt.

J W Throckmorton

Executive Department
Austin, Texas, Oct 15th 1866

Gentlemen of the Senate,

I have to request the withdrawal, from the nominations presented to your body, in the County of Angelina, for Notaries Public, the names of Amos B. Thomas and Ed Haight, and ask to substitute in the place thereof the names of Wm L Alexander and D.A. Bra[illegible] For the County of Angelina, - would ask to withdraw the name of S. H. Parsons, and substitute the name of H. A. Lane.

J W Throckmorton

Executive Department
Austin, Texas Oct 19th 1866

Hon H Stanbery
Attorney General
Washington D C.

Sir: Herewith I forward you the proceedings had in the case of E W Richards vs. M. J. Kelley, May 2d S. A., upon the Hon J J Holt, Judge of the 10th Judicial District of the State, in which it will be seen that Maj Kelley refused to obey the writ of Habeas Corpus issued by the Court, &c. Also letter from R D Johnson, Justice of the Peace at Galveston, Texas, with certain papers touching a case of forcible entry and detainer, tried in the court of said Johnson, and the refusal of the Post Commander, at Galveston to obey the judgement of the Court &c.

These cases, in addition to others heretofore sent to your office, will show the necessity for the authorities of the General Government to make known to the State authorities how far State laws, and the laws and Constitution of the United States, are to be looked to for protection, and whether the military are to regard the President's Proclamation of the 19th Aug. or are to continue to disregard and override the rights of the loyal citizens of the U S. leaving them powerless, and at the mercy of every petty military upstart, who may chance to have bayonets to enforce the edicts of a heart and mind too callous to be touched with a single aspiration for the peace and prosperity of a suffering country, and so benighted as never to have had flashed upon it a single ray of intelligence.

Relying confidently upon the power and determination of the authorities of the General Government to protect the loyal citizens of this State from wrong and oppression, by the military, I have directed in all cases, coming to my knowledge, that the Courts should suspend action, where there was a conflict, and wait until the authorities at Washington had time to act &c.

Hoping for an early answer, I have the honor to be

Most Respectfully Your obt Svt

J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Oct. 22nd 1866

Jas P. Kean Dist Clerk,
Victoria, Texas,

Gentlemen — I have just received a letter from General Sheridan, asking a copy of indictment found against the negro murderers of the German citizen of your County. The former papers furnished me have been forwarded to Atty Genl, W.S. at Washington.

Please send me copies of the indictments referred to — copy of Capias & Sheriff's endorsements. Also copies of any other indictments against soldiers in your County, with other papers showing refusal of military to allow arrests.

Respectfully
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Oct. 22nd 1866

Maj Genl Sheridan
Comdg Dept. Gulf
New Orleans La

General —

The duplicate of your letter of 15th inst. to Comdg Genl Reintzelman has been received. Accompanying this you will find copy of a letter this day forwarded by me to Genl Reintzelman in relation thereto.

I am much gratified to know that active measures are at once to be taken for the defence of the frontier, and feel quite sure the two Cavalry Regiments, if not stationed too far out, and are properly divided, will give all the protection needed. I would be greatly pleased if you should agree with me, and could succeed in convincing the Genl in Chief, that your Department should embrace the Indian Country to the North Canadian, so that you could inaugurate measures to punish the savages who are located along these streams. I am satisfied we will have no permanent peace with them, until they are soundly thrashed.

Should you visit Texas soon, I would be much pleased to confer with you fully on these subjects.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

[illegible]

[illegible]

[illegible]

[illegible] to be assured that there is no difficulty of operating against public opinion on the subject, but I am in the contemplation of [illegible] interest among the people here on this Continent to [illegible] Government from the influence of the Provincial Parliament — the [illegible] of the Government Plan — all the management of the affairs of [illegible] — all agree, and, say for the interest of the Province, the very existence of our Government depends upon the Revenues being kept out of the control of the Provincial Parliament, and kept at the disposal of the Imperial Government, for expenditure or otherwise.

[illegible] that the Plan of Separating with you the subject of the Canals, the Indian Lands, and Crown Reserves, has been kept, and, there were [illegible] to the Separation, I beg to refer you to my Correspondence with Lord Glenelg on the subject. I hereunto join a copy of our Proclamation that explains much of what is going on, Communicating with Lord Glenelg, I have [illegible] to the refractoriness of the people, [illegible] have [illegible] a market for their Native produce.

[illegible] make bye-laws for the protection of the Fishery. I have [illegible] alluded to the subject, but never [illegible] of it, [illegible] to me, and his letter of the 15th, I see he is already regards expense in carrying them, &c.

As I have [illegible] suggested there should be a permanent Port of Force in consequence at the mouth of the Thickets. Temporarily there [illegible] Little Thicket, or rather at the mouth of Little Thicket, the vessels of Brown Creek or Mud Creek — this latter point would be in the range of the settlements of Sandistown or vicinity is selected as a point, the consequence should be stationed there, or a

haps a better division of distances would be obtained by placing them in Kickapoo Valley, near the South west corner of Jack County, which is a noted Indian pathway. The Northwest Corner of Jack County, along the valley of the West Fork is another noted pathway. Belknap is the proper point, but perhaps is further out than you will desire to put the troops. The next point of importance is old Camp Colorado, at or near the mouth of Pecan Bayou in Brown County. Then Fredericksburg or Mason. Lower down I am not acquainted. For the posts on Red River, Jack or Belknap, you can obtain flour more cheaply in Dallas, Collin, Denton, Wise, Parker & Tarrant and Wagon, than in any other place in the State. In the same Counties you can get all the forage you want and at fair prices. If you would ask for contracts you supplies you can get them furnished at shortest notice. Indeed, forage can be obtained quite convenient to any of the posts indicated.

I am exceedingly anxious to learn at what time troops will occupy frontier posts. I do not wish to incur any expense on the part of the State, in ordering out volunteers; but if the frontier is not speedily occupied by your troops, I cannot delay. In the last two months the frontier people have suffered immensely, and hundreds of them have withdrawn; the remainder will withdraw soon without aid.

I have the honor to be Most Respectfully
Your obt Svt
J W Throckmorton
Governor of Texas.

Executive Department
Austin, Texas, Oct. 24th 1866.

Gentlemen of the Senate and House of Representatives:

I have with return to the House of Representatives a Bill entitled "An act to incorporate the Powderhorn Bayou Dredging Company," for your reconsideration.

I regret the necessity which forces me to interpose the Executive veto to the passage of this bill, for the reason, that the accomplishment of the internal improvement, which it has in view, would be of great advantage to the Country, but I cannot give my sanction to the bill in its present shape.

While under the caption of the bill, I believe it would be legitimate to authorize the company to charge toll for all vessels and cargoes, passing through the channel when dredged I do not believe that it is lawful for the bill to provide for the building of wharves along the banks of the channel, and to regulate the wharf charges that may be collected by the said company. I suggest this objection in view of the 24th Section of Art. 7th of the Constitution.

There is an objection to the bill which was not known I presume to members when they voted for it. It is not in my power to detail the objection in full, but I can give the sub stance, so that its materiality will be comprehended by you.

The Powderhorn Bayou is comprehended within the survey of

Juan Cano, and is not in any view a navagable stream. The fact that it is not a navagable stream would not prevent the Legislature from authorizing the channel to be dredged by Corporations for general utility, but the fact that the Bayou is wholly comprehended within the bounds of private lands, should induce law makers to give due consideration to the rights of such private parties as own the land.

The fact is, the land through which the Bayou runs has been in litigation for many years and the decision of the Federal Court, in this State, was adverse to those who claim as against the assignee of the original grantee. The papers in said cause, as carried by writ of error to the Supreme Court of the United States are before me, and the status of the case as given, is taken from them.

The 10th Section of the bill grants to the corporations lands sixty feet wide on the North bank of said Bayou, as dredged through these private lands, stipulating that it shall be paid for at its cash value, - after condemnation in the manner pointed out. This is objectionable:

1st Because lands sixty feet wide are not necessary to the corporations to enable them to keep their channel open.

2nd The sixty feet wide, is in fact and in effect, a bonus to the Corporation - a bonus granted out of private property.

3rd The lands sixty feet wide on the North side of the Bayou condemned for, and appropriated by the Corporations, gives them the valuable portion of the large tract of private land. This is an unconscionable advantage, and doubtless unthought of by gentlemen when voting for this measure.

4th The question of title between certain claimants are now in the Courts for adjudication, and neither party should be prejudiced by Legislative action.

5th Doubtless, if the lands along the bank of the Bayou were condemned, the condemnation would require in payment only a nominal amount, in view of the long continued litigation; and whatever might be the result of said litigation, the Corporations would receive all the benefits of the land, while the assignees of of the grantee would altogether lose, though successful in the suit.

These objections seem to me to be well taken, and should be conclusive against this bill.

The 10th Section grants absolutely to said Corporations, lands sixty feet wide on each side of said dredged channel, through the "flats" from ship channel to the margin of ordinary low tide. If the "flats" be subject to grant by the State, it seems to me that it would only be just to reserve each alternate lot or block along the banks of the dredged channel, to the State. But the better plan, it occurs to me, would be, to grant the "flats," if granted at all, to the City of Indianola, and let said City contract with the Corporations - as to amount of land they should have as a bonus for dredging the channel. This however is simply a question of policy and is only suggested to you.

I would call your attention particularly to the 1st and 3rd Sections of the Bill, as the two taken together, grants the power certainly to a majority of the commissioners, named in the Bill to organize the company, after "notice in writing or otherwise," and often such notice (which evidently might be in the most secret manner and without giving proper time for all the commissioners to attend) the majority of the commissioners could open the books and subscribe the twenty thousand dollars necessary to permit an organization, or, they could take the whole amount of the capital stock provided for, without giving the public any showing whatever, and by the same means exclude the citizens of Indianola, who are directly interested, as well as non-resident claimants to the land. For it will be observed there is no provision requiring any portion of the stock subscribed, to be paid in at the time of subscription, before the organization, or at any subsequent time. I regard this feature as exceedingly objectionable, because, as I have said, on a former occasion, where the State grants powers and privileges, such as are conferred by this bill, the persons who are named as commissioners, should only be constituted such as trustees for the public good, and fair and due notice should be given, so that all persons who desire may have an opportunity to participate in the privileges conferred; and more especially should this be the case where there is a known and positive contest between parties at interest. In connection with the view here presented of this Charter being converted practically into a close corporation for the benefit of a few, instead of being positively granted for the general good of all concerned, I will cite you to the further fact the bill provides that a majority of the directors shall be citizens of Indianola. In other words it is expressly provided that the parties benefitted shall control and direct the capital, perhaps nine-tenths of it, are to be excluded from its management and control. So that the people of the interior counties, or elsewhere, who may desire to invest their means in the enterprise, are to be precluded from a fair and just voice in the management of the concerns of the Company. This certainly is not just.

For the reasons given I return the bill, and respectfully ask you to reconsider it.

A W Throckmorton

Executive Department
Austin, Texas, Oct. 25th 1869

Maj Genl Kiddoo
Chf. Freedman's Bureau
Galveston, Texas.

General. Your favor of 17th inst.

with enclosures, asking pardon for the convict Wm Ray him sentenced by the Dist Court of Liberty County, has been received. Before taking action I must have copy of indictment, and statement of facts in evidence on the trial. This can be furnished by the Dist Clerk, and the testimony as remembered, can be furnished by those who heard it. It would be best if any officer of the Court – the Judge, Clerk, Sheriff, or the jurors who tried the case – would certify to it. Besides this it is usual for the application to be accompanied with a petition of respectable citizens who may be acquainted with the facts, and who may know the person and previous habits of the convict. If you will direct the Sub Agt Commissioner to get up these papers and facts and the petition, I will give the matter due consideration.

I have already pardoned four freedmen who have been sentenced to the Penitentiary. I have no doubt the Legislature will pass a measure recommended by me, making a distinction between grand and petit Larceny, which will preclude imprisonment for petit Larceny.

I am, General, Very Respectfully,
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Oct 25th 1866.

Maj General Kiddoo,
Chf Freedman's Bureau
Galveston, Texas.

General – The people of this place and vicinity, for the year and a half just past, having seen a good deal of Mr. F B Sturgis, in the discharge of the duties intrusted to him in the business of the Bureau, have confidence in his integrity, sense of justice and prompt attention to business, and learning the great satisfaction he has given all parties, at La Grange, where he has recently been acting as Agent of the Freedman's Bureau, desire his appointment as Agent of the Bureau at this place. A petition to this effect, I learn, has already been forwarded to you by some of the citizens of this County. Believing that the appointment of men of the character given Mr. Sturgis, to superintendencies and agencies of the Bureau, will greatly promote the public interest, I most cheerfully recommend him to your favorable consideration and respectfully request if it will not materially interfere with the dispositions of your agency already made, that you will appoint Mr Sturgis for this City and oblige, Very Respectfully Your obt Svt

Gov of Tex.

Executive Department
Austin Texas Oct 25 1876

Gentlemen of the Senate and House of Representatives:

I herewith return to the House of Representatives, a bill originating in that body entitled, "An act granting lands to Rail roads companies."

On the 30th June 1854, the Legislature passed a general law granting sixteen sections of land for every mile of Railroad constructed in the State complying with the grant certain requirements, and making certain restrictions. Subsequently there were important amendments to this law. The first restriction was that the grant should not apply to a road of less length than twenty-five miles. Another restriction was that fractional sections of land taken up should be considered as whole sections &c; and another was, that it should not extend to branch roads; and another, that an important proviso, applicable to certain roads, should not apply to certain other roads. The most important restriction confined the grant to the number of miles of road completed within ten years after the passage of the act.

Among the principal requirements of one of the amendatory acts, was that the surveys of the lands granted, should be made by the District, County or Deputy Surveyors. Another, and very important in my judgement, requires an alienation of the lands by the Railroad Companies, and imposes certain forfeitures in the event of non-compliance. Also that the lands should be surveyed in blocks of at least two sections, or two half sections so that, side by side, the State and Corporations should have equal portions of surveyed land, and lands of equal value.

Such are some of the important restrictions and requirements of the General Laws heretofore enacted upon this subject. It was a policy attempted to be inaugurated and perfected in our Internal Improvement System which the bill under consideration seeks to change.

I have not the time to enter upon a discussion of the interesting question of Internal Improvements. But it is clear to my mind that we will not succeed in building up the necessary works of Internal Improvement so much needed by the State, unless we husband and concentrate the resources at our command. It appears to me this is the most favorable time we will have to prescribe restrictions upon such incorporated companies as may entitle themselves to the bounty and encouragement of the State.

There is no limitation as to time to the grant of lands provided for in this bill. The policy first proposed in 1854, of requiring the roads to be constructed in a given time, it appears to me, is just and proper. The requirement of alienation should not be dispensed with, though, I believe it is just to extend the time, and to be liberal in that extension. Nor can there be any sound for extending the law to every branch or tap road that has been chartered. With all our resources when available, it is not possible for us to give lands, loan money, or endorse the bonds of the multitudinous railroads chartered heretofore, and which may be granted in the future. Such course will defeat the great object in view.

and be the cause of defeating the construction of those main lines of road so necessary to the Country. The State, in my judgment, should now concentrate all her resources upon a few main lines, penetrating the interior portions of the Country, and leave all minor roads to take care of themselves. When these main lines are constructed, and the population and wealth of the State has increased so as to justify, other roads will succeed, and not before. However fortunate the enterprise of the State may be, in inducing capital to invest in the Railroad Projects now on foot it is the supremest folly to imagine that that success can achieve more than the construction of a few important lines.

Texas has already loaned to certain Railroad Companies $1,816,500 of the School Fund and granted lands to the amount of 3,978,240 acres. It is easy for us now to perceive from wise the policy would have been had we appropriated this money and lands to three lines of road. One connecting the Gulf and the River sections — one from the Gulf to the Capital through the centre of the State, and the other extending from Indianola to San Antonio, and westward. Had this policy been adopted the three great divisions of the State would have been supplied with the means of transportation. The increase in the wealth and population of the Country would have been greatly augmented, and the capital supplied with which to carry through other improvements.

I trust your honorable body will extend the grant of sixteen sections of land to the principal lines of roads heretofore fostered by the State. Also extend the time for the alienation of the lands heretofore granted. But, in doing this the general policy heretofore adopted of requiring the companies to comply with certain conditions, and remain subject to such general laws, as the Legislature may see proper from time to time, to enact for the promotion of the general interests of the Country, should be observed.

I return the bill for your reconsideration.

J W Throckmorton

Executive Department
Austin Texas Oct. 25th 1866

Gentlemen of the Senate & House of Representatives:

I feel called upon to invite your attention to the impoverished condition of Calhoun County, consequent upon the very great destruction of property that has occurred in that County. The public history of the Country has during the war has made the suffering of the people of that County known to all. The statements made by the Representatives from this section, as well as the testimony of all persons who have been there, concur in the one fact that the citizens of that County have suffered very greatly, more than the our fellow citizens of any other section. I know that many other localities have suffered

remain and their situation appeals strongly to your liberality, but the very severe losses of the people of Calhoun County, I have no doubt, far exceed those of any other County, in proportion to their wealth and population. And I would most respectfully suggest a relinquishment of the State Taxes, to this County, for the next two years.

J W Throckmorton

Executive Department
Austin, Texas, Oct 26th 1866

Maj Genl Sheridan
Comdg Dept. of Gulf
New Orleans, La

General – Your dispatch of yesterday announcing disposition of troops, is received. I am truly gratified at your efforts in affording our frontier the necessary protection. The number of troops proposed I deem fully adequate to the emergency. Their immediate presence at proper points to cover exposed localities, and long known pathways and places of resort of the Indians, when they make their forays is desirable. I assure you of the almost constant presence of the enemy at some point on the frontier; and I again beg to assure you that there has been no misrepresentation, or exaggeration of the outrages committed.

I shall be most happy to meet Maj Forsythe, and confer with him. I have been promised by Genl Hesintzelman an early statement as to the points where troops will be placed, and at what time they will reach their several destinations. This information is of great importance to me – as the whole State looks to me to afford protection to the frontier – they have authorized it. The appeals of distress and suffering, and destruction of life and property – the breaking up of homes – comes to me every day. The responsibility rests upon me. I know the facts to exist. Yet I wish the Government to perform its obligation to the State. I desire this for many reasons – the most prominent of which, is the renewed confidence it will produce in the minds of our people towards the government, which has been greatly weakened by the seeming long neglect (not intentional on the part of the Government or its officers) to protect them from a savage and cruel enemy.

I would call your attention to the enclosed slip, which verifies what I have before written you, as to the place of resort of the tribes that war upon Texas.

I am, General, Very Respectfully
Your obt Svt
J W Throckmorton
Governor of Texas

Executive Department
Austin Texas Oct. 26th 1866

Post Master General, U.S.
Washington D.C.

Sir: In forwarding the enclosed Resolution of the present Legislature, and memorial of the Committee of the two Houses to you. I cannot too strongly recommend to your consideration the subject embraced therein. In no way whatever are the blessings and benefits of the Union of these States in one Government so sensibly felt, and brought home to the door of every man, so much as in a well regulated Postal system. And in no way can harmony and good feeling be promoted better, than by the exercise of liberality to the people of the South, by your Department of the Government.

The test oath in many localities cannot be taken by those persons whose services the Department would most desire, and who would be most useful to the people. I would therefore earnestly ask of the authorities of the Genl Government the most liberal extension to our State, of the benefits conferred by the Post office Department and such modification of the laws as will facilitate the accomplishment of the objects desired. Feeling assured that such course will greatly enlarge and strengthen the fidelity and good feeling of our people to the Genl Government. I have the honor to be

Most Respectfully
Your obt Svt
J. W. Throckmorton
Governor of Texas.

Executive Department,
Austin, Texas, Oct. 29th 1866.

Major Forsythe
U.S. Army -

Sir: In making your examinations as to suitable points for the location of troops for the winter on the frontier, I would respectfully recommend that you examine the Counties of Montague, Jack, Palo Pinto Erath, Comanche, Brown, San Saba and Llano and Mason. I am of opinion that there should be a strong post established in Montague - one in Jack - or Beltrap - or between Jacksboro and Palo Pinto. If a post is established near the Brazos in Palo Pinto, or that section, then at the mouth of Pecan Bayou on the Colorado (Brown County) would be a most suitable point. Another lower in Llano or Mason County; further South than this I am not sufficiently acquainted to make any questions.

In the Counties of Grayson, Cooke, Denton, Parker,

Dallas, Ellis, McLellan &c., you will find supplies of Flour & forage abundant. Beef can be had abundantly at the Points where the troops may be stationed. Immediate supplies of forage might be had in the Counties of Cook, Wise, Denton, Parker, &c. But for any length of time would have to be supplied from the Counties adjoining and East of these Counties.

I look upon the establishment of a Post in Montague County, or between that and the mouth of Big Wichita, as of great importance, as it would be the means of watching and protecting two lines – the one North of Red River & East – and the one South of Red River.

Very Respectfully
J W Throckmorton
Governor of Texas

Executive Department
Austin Texas, Oct. 29th 1866

Lt. Gov Geo W. Jones
Pres. of the Senate,

Sir: I have the honor to announce that the Hon. R. R. Lane, Senator of the – Dist. composed of the Counties of Fannin and Hunt, has tendered his resignation, taking effect after this date.

Very Respectfully
J W Throckmorton
Governor of Texas

Executive Department
Austin Texas Oct 29th 1866

Col James Gillespie
Sup. State Penitentiary,
Huntsville –

Dr Sir: It is the desire of Maj General Kiddoo, Ch. of Freedman's Bureau for this State, to ascertain the number of freedmen now confined in the Penitentiary – the offences for which they have been sentenced – the length of time &c. Please to furnish such information as may be in your power on this subject, and forward me copy of the same.

Very Respectfully
J W Throckmorton
Governor of Texas

Forwarded through
Maj Genl Kiddoo

Executive Department
Austin Texas Oct 29th 1866

J. P. Barnes, Sheriff
Jack Co

My Dear Sir, sent out by Maj Genl Sheridan to examine localities for stations for troops &c. on the frontier, came here in the morning, via Waco, Weatherford, Decatur, &c. & I gave Genl Sherman & have urged upon him the establishment of a fort & company post in Montague or Clay, then at Jacksboro or Ruche. Can you not fall in with him and give him all the information? It is important that he have correct information as to proper points for effective defence. Also as to the full, unvarnished, truth of the murders and account of depredation. He should be furnished with fair statements by the citizens, on this subject, and those of you interested, must furnish him the facts

Yours Truly

P.S.– Two companies regular Cavalry leave here soon for Jacksboro. I am promised by Genl Sheridan, immediate and ample protection. Our Legislature have passed no appropriation bill for erection of the Frontier Regt yet.

J W Throckmorton

Executive Department
Austin Texas Oct. 30th 1866

Maj Genl Mcintyre Sherman
Comdg Dist of Texas
Galveston–

General– Enclosed you will find copies of papers and letters which I desire you to read and forward to Genl Sheridan. I desire to assure you, Genl, that I attach no blame to you in regard to the frequent interference by the military with the civil authorities; nor do I attach blame to Maj Genl Sheridan,– presuming that orders from the War Department govern him. But I imagine that frequently such officers as Capt. Craig, or Lt Moore, may not represent fairly the facts, and obtain orders that would not be issued were all the facts known. Why the military would relieve an officer from arrest and trial for a violation of both the civil and military law– for gambling, as in the case of Lt. Moore, who was indicted with citizens is beyond my comprehension. It is upholding him in violation of every principle of justice. I trust the orders exhibited as coming from you, were obtained under false pretences. Be that as it may, I desire information in order that I may lay all the facts fairly before the authorities at Washington.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Oct. 30th 1866

Maj General Sheridan
Comdg Dept. of the Gulf
New Orleans La.,

General — I beg to call your attention to the enclosed copies of statements of officers of Dist. Court of Guadalupe County, in relation to the acts of Capt Leraing, in arresting the officers of the Court and in forcibly taking away and destroying the papers on file &c. —

— I most respectfully enquire if these things are done in accordance with your orders —

Very Respectfully
Your obt Svt —
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Oct. 30th 1866

Gentlemen of the Senate —

— I have the honor to submit for your advice and confirmation, the name of Capt. Charles Fowler, of Galveston, as one of the Board of Commissioners of Pilots, for the Port of Galveston, vice Capt. J. E. Heavilands, resigned

J W Throckmorton

Executive Department
Austin Texas, Oct. 30th 1866

Gentlemen of the Senate & House of Representatives:

— I herewith return to the Senate, a Bill, originating in that body, entitled "An act creating the County of Hood"

— To my mind, the Constitution, Art. VII, Sect. 34, is explicit that no new County shall be created of a less area than nine hundred square miles. That part of the Section which declares that a two thirds vote of the Legislature, may reduce an old County to a less area than nine hundred square miles, does not, in my judgement, apply to the creation of a new County.

— For the convenience of the people of the proposed said County it would afford me pleasure to approve the bill, but my convictions of duty require that I should return the same for your reconsideration.

J W Throckmorton

Executive Department
Austin, Texas, Oct 31st 1866

Gentlemen of the Senate & House of Representatives:

The offer duties preying upon my time since your session began have precluded me from conferring with you personally upon prominent subjects of interest connected with our domestic condition, and others related thereto, having a direct influence upon our future Federal relations.

The fact that the true sentiment of our people is misunderstood by our Northern Countrymen, makes it the more necessary for us to be explicit in giving authoritative expression to what we know to be the true and correct wishes of the people of Texas, upon those questions wherein they have been most unjustly misrepresented.

It has been constantly asserted that our people are rebellious; that we do not desire a restoration of the Union; that citizens who adhered to the Union during the war, are in constant danger of assassination; that without the presence of the soldiers of the General Government this class of people could not remain among us, and that thousands of them are fleeing from the State &c, &c.

You have already passed a Joint Resolution inviting labor and capital to the State from other countries, and especially from the other States of the Union. I would suggest the propriety of embodying in the form of a resolution, the earnest and sincere desire of the people for peace and perfect restoration, their determination to obey the laws of the Genl Government, and their wish to cultivate friendly and cordial relations with the people of all the States, and solemnly pledging the authorities of the State Government, and the people to sustain the laws of the land, and to afford all classes, without distinction the fullest measure of protection for life, property and the enjoyment of political sentiment.

It is, also charged, that we are inimical to the welfare and improvement of the freed people, and that we seek to oppress them. The provisions of our amended Constitution afford ample refutation of the charges. Besides express provisions for their benefit, the Legislature is empowered to go still further, and in this connection, I desire to call your attention to the several provisions of the Constitution relating to this class of our people, with a view to invite your action upon several questions which I deem of the utmost importance.

Art. VIII, Sec 1. of the Constitution, declares that "Africans and their descendants shall be protected in their rights of person and property by appropriate legislation," and further says, "they shall have the right to contract and be contracted, to sue and be sued, to acquire hold and transmit property, and all criminal prosecutions against them shall be conducted in the same manner as prosecutions for like offences against the white race, and they shall be subject to like penalties."

It is obvious from the foregoing provisions that it was the in

tution of the Convention that the Legislature should provide such laws as will secure in the amplest manner the rights thereon conferred.

The 2nd section of the same article declares that this class of people shall not be prohibited from testifying orally as witnesses in any case, civil or criminal, involving the right of, or injury to, or crimes against any of them in person or property, under the same rules of evidence that may be applicable to the white race; the credibility of their testimony to be determined by the Court or jury hearing the same. And the legislature shall have power to authorize them to testify as witnesses in all other cases under such regulations as may be prescribed, as to facts hereafter occurring.

I learn that you are now considering the laws contemplated by the first section of the article of the Constitution alluded to, and that you have made the laws exempting property from forced sale apply to all classes alike. I sincerely trust you will complete these measures before your adjournment; and I suggest the propriety of exercising the power conferred upon you by the Constitution, in allowing the testimony of these people in the Courts in all cases as to facts hereafter occurring.

I am the more impressed with the propriety of such action, when it is considered that it will be the means of relieving our citizens from the fines and punishments so often unjustly inflicted by the agent of the Freedmen's Bureau, and where they have but little chance to assert or prove their innocence. It has had this effect in South Carolina, and doubtless was mainly instrumental in procuring the perfect restoration of civil authority in that State. Outside of this very important consideration, it is deemed not to be unwise, or that it will result in any injury to the public welfare.

The seventh section of the tenth article of the Constitution gives the power to the Legislature to levy taxes for educational purposes, and provides that all sums arising from said tax, which may be collected from Africans or persons of African descent, shall be exclusively appropriated for the maintenance of a system of public schools for Africans and their children; and it shall be the duty of the Legislature to encourage schools among these people. Owing to the poverty of the people and their embarrassed pecuniary condition, it is not probable that your honorable body will levy an educational tax, but as the general tax laws will apply to all classes alike, I would respectfully recommend that the State taxes or a portion of them that may be collected from freedmen, be relinquished to the Counties with directions to the Police Courts, that the same shall be applied to schools for freedmen.

These people are among us, and are to remain. We can promote our own welfare, in contributing to their intelligence by such means as are at our command. It is the desire of the people of Texas, that the legislation of the country shall be such as to promote the improvement and usefulness of these people, and at the same time tend to secure their confidence, and induce them to rely upon us for the advice and protection necessary to their prosperity.

On a former occasion I suggested the propriety of enacting

laws upon the subject of the marital rights of these people. I also suggested the necessity of requiring the Counties to provide for all who were indigent, and had no person to look to for support, and at the same time called attention to the necessity of amending the law as to lunatics, and invoking such appropriations as may be necessary to enable the Superintendent of the Asylum to receive and treat persons of Color. The additional expense necessary to be incurred for that purpose will not be much. I am conscious of the great amount of labor that is still to be accomplished before your adjournment. Yet I feel confident you will patiently address yourselves to the task and discharge every duty necessary to promote the welfare of the Country.

On the 29th inst I addressed a telegram to President Johnson, and informed him that your honorable body had refused to ratify the proposed amendments to the Federal Constitution, and made the enquiry if he could offer any suggestion for your action that would facilitate restoration.

I take pleasure in laying before you his reply. I feel every confidence that the wishes expressed by him, that you will "make all laws involving Civil rights as complete as possible, so as to extend equal and exact justice to all persons, without regard to Color," will be responded to in the proper spirit.

The firm and hopeful view of the President in regard to the future of our beloved Country must be encouraging to every patriot. I trust he may not be disappointed, and I feel that it is the highest duty of patriotism to aid him by every wise and prudent means at our command.

J W Shackelford

Hobby Veto.

Executive Department
Austin, Texas Nov. 1st 1866

Gentlemen of the Senate and House of Representatives:

I return herewith a bill for the relief of debtors in certain cases, to the House in which it originated, with my objections thereto. Waiving a discussion of the constitutionality of the objects and purposes of the bill, I confine my objections to some of the sections of the measure, and to the details.

It will be remembered, that in my general message, your attention was invited to the consideration of the subject embraced in the bill, viz: relief to the people from the operation of the collection laws of the State.

The many complications of the last few years made legislative action in this direction a pressing necessity, demanded by the gravest interests of the people, from one end of the State to the other; and I will confess to you that it is with great hesitancy that I interpose any objections to the bill before me, becoming a law, even in its present shape. But believing I am subserving the best interests of the people by the course I now take, I submit the following objections to the bill, and invite your serious and mature consideration of them, and if found well taken, ask you to perfect the bill by proper legislation, so that it will accomplish the purpose intended.

1. The first section allows the collection of existing judgments by installments within four years from the passage of the Law. This is the fullest relief that could be demanded by those who are not oppressed. This relief is given without conditions being imposed on the debtor, outside of the payment of the installments as they fall due, and without requiring of him any additional security lien or mortgage to make the creditor safe in the ultimate collection of the money due him.

This is the relief extended to the judgment debtor, the most embarrassed harrassed and restrictive class of debtors. No objection is urged against this section, notwithstanding it is so very liberal in its terms to the debtor, as it affords no advantage or benefit whatever to the creditor. The country needs relief, and though, in my opinion, that given is greater than was demanded, yet receiving the sanction of the Legislature I have no disposition to interfere with it.

2. The second section allows a stay similar to that provided for in the 1st section, on all judgments which may be hereafter rendered in suits now pending for debts contracted prior to the 26th day of May, 1865. The stay to commence at the date of the judgment. This section, in my view is liable to serious objections.

1st It is working in unity with the first section.

2nd It is partial legislation.

3rd It is uncertain and unequal in its operation

4th It is inflexible

The third section is subject to the same objections urged against the second, and I especially invite your attention to a careful perusal and analysis of these three sections. Analyze them and then group the analysis. It is impossible that you will not be forcibly impressed with

the inequality of the relief given, and with the comparative injustice to one class of debtors. I mean to the judgment debtor who is provided for by the first section.

Why is it the discrimination is made against the judgment debtor? He is the most needy - most embarrassed - most restricted; executions are ready to issue against him, and yet with all his difficulties, judgment liens resting on all his property, or mortgages foreclosed, or inability on his part to use his means to realize money, he is restricted to a shorter time than any other debtor towards whom relief is tendered, in which to meet his liabilities. The debtor against whom suit is pending for the class of liabilities relieved against, has four years from an indefinite time in the future to pay by installments, judgments that may be rendered against him. He is given the time between the date of the proposed law till the rendition of judgment in addition to the time allowed to judgment debtors.

The debtor who is simply indebted by note or account has three years for the class of debts relieved against, within which to meet judgments that may be rendered against him in suits brought against him at some indefinite time in the future. What could be more unequal than the practical workings of this law?

The effect of the law will be, that when the judgment debtor has been forced under all his difficulties to meet his last installment, the time of relief will have just commenced running in behalf of a great portion of those who are debtors now, but against whom no judgments exists.

The law should be certain. It should be equal in its operation, bearing on all classes, and relieving all alike. If restrictions are made at all, they should be in favor of those who are most oppressed by the circumstances surrounding them.

3 Section five interferes with the fiscal affairs of the State to an extent. The condition of the Treasury demands that the State have the benefit of every character of collection, and no obstacle should be thrown in the way, save for special causes; and then special legislation should be had to meet and relieve from the special case. And in this connection, I would call your attention to that class of debtors who purchased the University lands, and among great that they be required to pay on the same, or similar terms now have imposed on Railroad Companies. Both classes, railroad companies and University land purchasers, are indebted to the State on account of the educational fund, and both should stand on the same basis.

4. Section sixth is seriously objectionable. It provides that when sales under deeds of trust shall be made because of default to pay installments under provisions of section one, the trust property shall be sold - the amount then due the creditor paid out of the proceeds; but it fails to make provision as to what shall be done with the residue after such due installments

has been paid. In the absence of such provision, the residue necessarily goes from the hands of the trustee into the hands of the party whose property has been sold.

Thus the creditor loses all benefit of his trust deed, save to the extent of the installment, in the payment of which default has been made. It is almost impossible to conceive of a more unjust law as applicable to a given subject. The same rule would apply where vendors' liens or mortgages were foreclosed. The law should provide that only a part of the property be sold - sufficient to meet the installment in the judgment of which default has been made; or that the funds remaining over, after paying the said installment, should be held in the hands of the Court, to be applied to the succeeding installments as they fall due.

Without a provision in the law on this point, the law would be unjust, iniquitous, and ruinous to all preferred creditors.

If I may be permitted to make a specific suggestion to you, I would say, that the stay law should not extend the time for so long a period, for the payment of debts.

The country will rise from its prostrate, oppressed condition. This I truly believe. But, should such not be the case, another session of the Legislature will convene, and if the necessities of the country demand it, the relief granted by you may be extended to the people. A delay of three years will test the necessity for relief.

In framing a stay law, I would recommend that the relief granted be uniform to all debtors who are liable for the given class of debts for instance, relief may be granted to judgment debtors for two, three or four years, as you, in your wisdom, may determine. Then relief should be granted to those against whom judgment may hereafter be rendered for a time not to exceed the time granted to present judgment debtors.

I am anxiously desirous that relief should be granted to the people; I believe they are in justice entitled to it; but I would insist that the relief which may be granted shall be equal and uniform. I desire to see a law just in its provisions, and which will stand the test of the Courts.

There are a number of points concerning the bill to which I might appropriately call your attention, springing from questions of Constitutional law, policy and expediency. I will, however, content myself here by adverting to one or two questions of policy.

If there is unreasonable delay in the enforcement of the collection of debts, requiring, in the mean time, no security or advantage to the creditor for this delay, it will be seen at a glance that the commercial relations of the country will greatly suffer. It is well known to you all that these State laws have no operation or force when applied to the proceedings of the Courts of the United States until adopted by those Courts. The consequence will be, that

as nearly all the debts created in commerce are due to citizens of other States, they will at once be enforced in the United States Courts. The result will be, that whilst this class of our citizens will be compelled to meet their obligations, those who are indebted to them, having the advantage of the law, which forces citizens of the State, as to claims against each other into the State Courts, will not be compelled to pay. Ruin to the class of debtors sued in the United States Courts must be the consequence; and as these represent the greater amount of capital in the State, there is great danger that it will produce general bankruptcy. In any event, universal distrust will be created, and the universal stoppage of enterprise and improvements, both public and private, will be sure to follow.

A great class of our citizens can be sacrificed without entailing evil upon all, and as it is now to us a matter of greater interest than ever before, both as relates to our public or private enterprises, to build up the credit of the State and the people, both at home and abroad, I cannot too earnestly urge you to the adoption of such measures as will lead to that result, or warn you to avoid a catastrophe.

Another view of the case may be mentioned. Laws which include the collection of debts have by the Courts been frequently held unconstitutional, as impairing the obligation of contracts. The decisions are made to turn upon the delay given and the provision that is made for the creditor. In this law no provision is made for him, - his debt is not to be secured or in any wise bettered.

And it may be well questioned, whether the law is unconstitutional. Should the Courts so determine, the people will lose the benefits that they reasonably expect from your legislation. This, if possible, should be avoided, and such provisions should be adopted, and only such time given in the law, as will reasonably assure those interested that it will be upheld by the Courts, and the relief needed be given.

Believing that you desire, as I certainly do, to perfect a law that will be advantageous, and at the same time just to the people, I refrain from further discussion, and trust that you will see the necessity of reconsidering and perfecting the bill I herewith return to you.

It is not my desire to defeat the intention of the law. I fully realize your anxiety on the subject, because of your knowledge of the need of the law, and of the necessities of the people. But I should be recreant to my sense of duty, did I not urge you to the due consideration of the points I have suggested.

J. W. Shackelford

Executive Department
Austin Texas Nov 3rd 1866

Hon D. M. Cooley,
Comr. Indian Affairs,
Washington D.C.

Sir. — I have the honor to acknowledge the receipt of your communication of the 11th inst., with copy of your letter of Feby 15th 1866, to Secty of Interior in relation to Tonkawas &c.

I would a most respectfully urge upon the Department to provide for these people in Texas. The prorata portion of the appropriation made for the Wichita Agency, that would be expended for the Tonkawas, will provide amply for them in Texas; pay a sub-Agent, and furnish them all they will need. The present Legislature has authorized me to have a league of land surveyed and set apart for them, as long as they will remain upon it, and also authorized me to expend $35 00 cs within the next two years, as I may think best for them, &c. Texas can ill afford this, when we have so many who are suffering, of our own people. But these poor creatures have been so faithful to the whites, since the first settlements in Texas, and they having suffered so much at the hands of other Indians, it would be cruel in Texas, to force them away or leave them to suffer.

There is no portion of our people who will complain at the Tonkawas being settled among them, provided they have an agent and are provided for.

Knowing the feeling that exists between these Indians and the other bands at the Wichita Agency, and that all the other tribes are unfriendly to them, and the Tonkawas afraid, and distrustful of the others, I can but urge upon your Department the propriety of making provision for these people, and leaving them at the home I may select for them, somewhere in our State.

If I thought it was prudent or safe for these Indians I would insist upon their removal, by force, if necessary, to the Agency. They express the greatest repugnance at the idea and beg not to be sent there. I desire that you will make these facts known to the Hon Secty of the Interior, and will be much gratified if the policy of the Government is such as will enable these poor creatures to be cared for at their home in Texas.

Very Respectfully
Your obt Svt —
J W Throckmorton
Governor of Texas

Executive Department
Austin, Texas Nov 3rd 1866

Capt. C. R. Perry,
Blanco, Texas,

Sir: Your favor of 27th ult. came to hand this morning. In reply I have to say that you will incur no expense on account of the State, as no appropriation has yet been made. You must organize at the expense of the men, as my orders to organize have been in advance of any appropriation. Outside of any order, I would suggest the propriety of dividing your men into such squads as their localities may justify, so as to be easily called together, and pursue the Indians whenever opportunities occur. The showing for an appropriation is in State Warrants which will be sorry pay. There is a prospect that regular troops will be sent to the frontier at once. But in any event I wish the companies organized — even though they are not ordered out. As to each county furnishing its prorata of men, you must endeavor to get them, but after reasonable time if they do not come forward, make up your company from those that offer; always confining yourself, if possible, to get them within the frontier belt.

Respectfully,
J. W. Throckmorton
Governor of Texas.

Executive Department
Austin Texas Nov. 5th 1866

To Hon Comr. Indian Affairs
Washington, D.C.

Accompanying this communication I forward to you extracts from a letter recently received by me from gentlemen of high respectability, who are acquainted with the condition of affairs at the Witchita Agency, near Fort Arbuckle, where the friendly Comanches and Caddoes are located.

I write for the purpose of calling the attention of the Dept. to the fact that the Kiowa Indians, and a portion of the Comanches, that have made Treaties with the Government within the last twelve months, are still depredating upon the borders of Texas, and at this time hold a number of the women and Children of our State in captivity, and also to urge upon the authorities of the general Government to appoint an agent for the Witchita Agency, who is acquainted with and has the confidence of the Indians of that Agency and who will feel some interest in the welfare of these Indians, and at the same time, will exert the influence the position gives him, with the wild Indians of the Plains for the benefit of Texas.

On the first branch of the subject, I beg to state, that for the

last two or three months, the depredations upon our border have been of the most appalling character. Numbers of the best frontier citizens have been murdered; quite a number of women and children have been carried into captivity, and several hundred thousand dollars' worth of property has been destroyed, and carried away. On the North west the Kiowas are the principal depredators aided by a portion of the wild Comanches, and all the Lipans. The South west has been depredated upon by a band of Kickapoos, that went to Mexico during the war, aided by Lipans and Muscalaros, who stay in Mexico and the El Paso region of Texas. Immense herds of cattle and horses have been driven off, and our outside frontier counties have become depopulated, with great loss to the unfortunate people who had no other homes.

It is very desirable that a new treaty should be made with these Indians, and that the Commission to treat with them should go from Texas They do not believe that Texas is any portion of the U.S. They have regarded it, since the days of the Republic, as a separate country, and to fully impress them with the true state of the case, the Government Commissioner who may be sent to treat with them should be accompanied by a Texan, known by them to be such. I trust your Dept. will get up such a treaty, and let it be held in the Witchita Mountains, where all these people can be got together, for the two-fold purpose of getting from among them our unfortunate captives, and to show them that the Federal Government is determined that they shall respect Texas, as a part of her territory. I can name several gentlemen in this State of long experience in Indian affairs who would be exceedingly useful in making a treaty. No pay or presents should be given them for the return of captives, and they should be convinced that after a treaty the smallest violation of it should be visited with severe punishments. The several tribes should be required to agree to punish any other tribe who may violate its treaty promises.

I have most respectfully to request the appointment by the President, of Doctor John Shirley, as Agent for the Witchita Agency, and trust you will make my request known to the President. He has long been a trader at the Agency, before the late war. He did not participate in the war, and can take the required oath. He understands the Comanche language. He remained and practiced medicine among them gratuitously through all their troubles and misfortunes. He is well qualified and I feel sure can be of more real service to the Government than any other person that can be selected. The people of Texas have a greater interest in this Agency and its successful management, and the influence over the wild tribes that can be exercised by it, than any other people of the Government.

I am familiar with the Chiefs, and have seen of the

different Tribes at the Witchita agency. They have written to me and begged that I would represent their present neglected condition to the Dept. They are faithful and honest, and I trust it will be agreeable to the President, and those who have charge of their affairs, to have immediate steps taken in their behalf, and make serviceable to them the liberal appropriations granted by Congress. An Agent whom they know, who understands their language, and who is every way well qualified for the trust, will be of service to them and the Government. From the accounts received from the Indians, and from other sources, satisfies me that at present they are much neglected.

Very Respectfully
J. W. Throckmorton
Gov of Texas

P.S. – Accompanying I send you copy of letter (extracts) recently received by me from gentlemen, lately visiting the Agency. It will afford you information, as to condition of Indian affairs in that region
J.

Executive Department
Austin Texas Nov. 5th 1866

Maj Starr
Comdg Post, Austin,

Major – I have just been requested to inform you that one acre of ground has been set aside in the State Cemetery, for the burial of the dead of the U.S. Troops. Mayor Eames the City Sexton, will point out the ground.

Very obt Svt
J. W. Throckmorton
Gov of Texas

Executive Department
Austin, Texas Nov. 5th 1866

Messrs. J. H. Robinson, Spalding,
Harrell, Johns & Smith,
Gentlemen –

Your note of the 2nd inst was read Saturday evening. I regret very much that you have felt constrained to tender your resignations. At first I thought I would not accept them But have concluded that I should not be the means of keeping you in an unpleasant situation. I regret much that the State is to lose your attention to the promotion of one of her most praiseworthy institutions and regret still more that I should have been the means

of causing you the least unpleasantness.

I am gentlemen, with great respect
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov 5th 1866

Major Starr
Comdg Post,
Austin, Texas:

Major - I will be greatly obliged if you will furnish me copies of Genl Orders No. 3. War Dept. Adj. G., Jany 12th, and General Orders, No 44, Hd Qrs. of the Army, July 6th 1866; also, inform me if any portion of the 6th Cavalry having marching orders for the frontier. My object in making the latter inquiry, is to ascertain if immediate protection is to be given to the W. W. frontier, as I do not wish to incur any expense, by ordering out the Companies. Recent information will force me to this, unless the regular troops are at once sent out in such force as will give protection. Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov 6th 1866

Alvan Rhodes Esq
Galveston, Texas,

Sir: Your communication complaining of the interference of the Freedman's Bureau with the Courts, has been received. In answer I have to say, that I have had many representations of such unwarranted interference, by the agents of the Bureau, and the military authorities, and have represented all the facts to the authorities at Washington. Recently I have received through Maj Genl Reinstelman, an order from the Genl in Chief of the Armies of the U.S. that the Presidents proclamation of August 19th, supercedes certain military orders that gave the military authority to take from the civil authorities certain classes of persons held by them, or arrested by them for trial. How far this recognition of the civil over the military authority will be recognized by the Freedman's Bureau is yet to be seen.

I would suggest that you present the facts of the case you relate to the Dist atty and Grand Jury, of the Federal Court and see if an Indictment will not lie. The act of Genl Kiddoo and his officers was clearly an interference, obstructing the administration of the laws of Congress and as such clearly punishable in the U.S. Courts.

Your obt Svt

Executive Department
Austin Texas Nov 7th 1866

Maj. Genl Kiddoo
Chf Freedman's Bureau
Galveston, Texas.

General- Enclosed you will find letter to me from Judge Chrisphin, and one from the Sheriff of Matagorda County, to the judge, in relation to forcibly taking from the custody of the Sheriff a freedman, indicted, by the Grand Jury of Matagorda County, for an assault with intent to commit murder, and held under process of the Court for trial. I desire to know if the act of the agent of the Bureau, in Matagorda, in thus interferring with the enforcement of the law, is by your order, and if he is sustained by you in so doing. I would respectfully desire of you, at your earliest convenience information as to the extent of your power and authority, and how far you expect to exercise it, to interfere with the civil authorities in the exercise of their duty in bringing to trial freedmen, for offences committed against the laws of the State. It is desirable that I should have a perfect understanding with you on these points.

I would also enquire if you recognize the President's Peace Proclamation as making the Military subordinate to the civil authority?

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Nov 7th 1866

Hon. B. Chrisphin
Columbus, Texas,

Dr. Sir: Yours with enclosures concerning the freedwoman of Matagorda, and the acts of the agent of the Bureau there this morning. I have written to Genl Kiddoo, to learn from him if this outrage was committed by his authority, or if he will sustain it. I have heretofore forwarded to the Atty Genl of the U.S. the proofs in similar cases. I shall endeavor to have the matter righted. When any information comes worthy of your attention, I will transmit it. In the mean time I would let matters rest as they are.

I have recieved information from Genl Reintzelman, that Genl Grant has issued an order declaring that the Presidents Peace Proclamation, supercedes military orders heretofore issued requiring the military to interfere with the civil authorities in certain cases. In other words, the Proclamation restores the supremacy of the civil over the military. But how far this will be applicable to the Freedmen's Bureau under civil rights and Bur-

Law, I do not know.

Very Respectfully,
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Nov 7th 1866

Hon B. Shropshire,
Columbus, Texas,

Dear Sir: The effects of the estate, of John C. Clark, have been turned over under the Law, to the Treasury and are now in the hands of the Atty General.

It is necessary to take steps at once to collect and I desire to secure the services of assistant Counsel, to the Dist atty, - in view of the many questions that will arise in those suits. I request that you will designate C.S. West, Esq., as such Asst Counsel. You may properly do this in Chambers, and before the suits are brought, to the end, that the suits may be brought after Consultation.

Be kind enough to notify me of the action you take on this request, and if favorable, forward the designation to the Atty General.

I am, Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 10th 1866

Hon. H. McCulloch
Secty of Treasury,
Washington, D.C.

Sir: Some time since you requested I would forward you the name of some one to be appointed Collector at the new port of Corpus Christi. In accordance with that request I recommended Thos Wm Ward of Austin. Since then I see that a Major Quist was appointed. This gentleman died recently, as you will see from the enclosed letter. I would most respectfully again urge the appointment of Col Ward. He is qualified, and will be acceptable to that section.

I would also recommend A A Davalon, of Corpus Christi, as Surveyor of the port of Aransas. I would urge these appointments, as the merchants of that section are exceedingly anxious that the port should opened for business.

Very Respectfully, Your obt Svt
J W Throckmorton

Executive Department
Austin, Texas, Nov 10th 1866

Gentlemen of the Senate & House of Representatives:

I herewith return to the Senate, a bill originating in that body, entitled, "An Act to prevent trespass."

It is with regret that I feel constrained to differ with the Legislature upon the policy and necessity of the law. I know the motive for the law was prompted by an earnest desire to preserve the peace and quiet of every family in the State. I trust that a strict enforcement of the laws already enacted will be sufficient for this purpose. I do not desire to present the various questions that would arise in the Courts, should this measure become a law, nor portray the effects its operation would have upon the social intercourse of the Country. Therefore, I most respectfully return the bill for your more mature consideration.

J W Throckmorton

Executive Department
Austin Texas Nov 10th 1866

Maj Genl Sheridan,
Comdg Dept Gulf
New Orleans, La.

Genl- Accompanying you will find Official Copies of Indictment and Capias' against Franklin Smith and Wm Stanley, freedmen and soldiers of the Army, for the murder of Wm Walker, presented in Dist Court of Victoria County. Your interposition to the end that these parties may be brought to trial, is earnestly invoked.

Also accompanying you will please find extracts from letters to me giving information in regard to the hostile Indians, which I deem proper for your information.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov 12th 1866.

Gentlemen of the Senate & House of Representatives:

I herewith return to the Senate a bill, entitled, "An Act authorizing Guardians and Administrators to settle their accounts in certain Cases," originating in that body.

The fourth section of an Ordinance of the Convention "making valid the laws and acts of officers therein mentioned, and for other purposes," went as far as the Convention thought it was proper to go in this direction. That section of the ordinance provided that where "Confederate or State Currency was received and paid out," by Administrators, Guardians &c, the Courts, in the settlement of their accounts should be governed by the rules of equity and justice. It was thought that this was as far as such parties should be protected. I am sure that it was intended by the Convention that this rule should be extended no further.

Believing that it would open the door to wast wrong upon the estates of minors, and others who are powerless to help themselves save protected by the Legislature and the Courts, I feel compelled to with-hold my Consent to the bill in question, and therefore return the same, and most respectfully ask you to reconsider it.

J W Throckmorton

Executive Department
Austin Texas Nov 13th 1866

To His Ex. Prest Johnson
Washington, D. C.

Mr. President—

I would most respectfully call your attention to the applications for pardon of Henry E McCulloch and L. S. Ross, of this State. These gentlemen held the rank of Brigadier General in the late Confederate army. Neither of them were educated at West Point.

I know of no persons in the State who have exercised a better or more useful influence among the people since the surrender, than these gentlemen. Your Excellency's clemency, if extended in their behalf, will be well bestowed, and, I feel that I cannot too strongly urge their pardon.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov. 14th 1866

To the Secretary of the Treasury
of the United States.
Washington, D.C.

Sir: As the Executive of the State of Texas, I state to you that during the late rebellion, there were removed from the Treasury of the State of Texas, four hundred and seventy-six Bonds, of the United States, known as the "Texan Indemnity Bonds," each for one thousand dollars, bearing 5% interest, maturing in the year 1865, with Coupons attached. These Bonds are now in the hands of various parties, (who will be more particularly named hereafter) who are praying for payment, at the Treasury of the United States, notwithstanding they each, and all well know, and I have state it as a fact, that the State of Texas has never received any consideration for these bonds,- nor for the Coupons which were attached to them.

The bonds cannot be traced further than this- One hundred and forty-nine, went into the hands of Messrs Geo. Peabody & Co of London, England; one hundred and fifty-one, into the hands of Messrs Droege & Co., of Manchester, England; one hundred and fifty-six, into the hands of Geo W White and John Childs, of the United States, and twenty into the hands of Messrs Oliver & Bro. of Matamoras, Mexico.

In view of the facts hereinbefore asserted, and in view of those which will be hereinafter presented, and in order that the authorities of the State of Texas may have time and opportunity to bring all the contending, or contesting Claimants to said bonds, to negotiation, and a proper settlement, I request that you consider this writing as a protest, against the payment at the Treasury of the United States, or at any of its depositories, of any of the Texan Indemnity Bonds, included within the meaning ~~of this~~ and purposes of this protest,- and that this writing be filed by you, and the payment of said Bonds, withheld, until the rights of the State of Texas are duly respected, by such claimants, and a full and fair settlement has been made by them respectively, with the State. This I ask, as the Executive of the State of Texas, and at the same time submit to you the following statement of facts:

II

Texan Indemnity Bonds- Geo Peabody & Co.-

I. John M. Swisher & Co., of the City of Austin, Texas, were empowered, by the authorities of the State of Texas, (The Military Board) in the Spring of 1862, to negotiate three hundred of the Texan Indemnity Bonds: said Bonds, were those included within the numbers 4394 to 4695, both numbers inclusive and were transported to England.

2. Through the Agency of Messrs. Droege & Co of Manchester, England who acted for Messrs. Swisher & Co., a sale was effected, on the 24th day of June 1862. to Messrs. Geo Peabody & Co., of one and forty-nine of said three hundred Bonds, for the sum of £25:981. Payable in three installments, running from the 25th day of June, to 5th day of July 1862.

3. For some cause the said sale, after part payment had been made, was repudiated by the said Geo Peabody & Co., and proceedings were by them instituted, on the 6th day of September 186 , in the Chancery Court, in the City of London, England, restraining in the hands of the Bankers, the money, which had been paid on account of the purchase, of said 149 Bonds, and suing to recover from the said Droege & Co., of Manchester, and Jno M Swisher, who was then acting for Jno M Swisher & Co., the part of said purchase money which had been withdrawn from the Bankers, by the said Swisher.

4. By the institution of said proceedings in Chancery, the said purchase money, or such part as remained, was enjoined, to abide the result of said suit: and more, by reason of the institution of said suit the part of the purchase money, which had been expended by the said Swisher, was recalled, or the goods, in which it had been invested, were retained by Messrs Droege & Co,- so that the result of the proceeding in Chancery, instituted by the said Geo. Peabody & Co. was, to deprive the State of Texas, of all consideration whatever, in return for the said 149 Bonds, either from the said Geo Peabody & Co, or any one else.

5. Waiving at this time any discussion of the legality of the manner in which said bonds, were removed from the Treasury of the State of Texas, and disposed of in England, but without to any extent conceding the rights claimed by Messrs. Peabody & Co., or waiving those of the State of Texas, it is respectfully suggested that if Messrs. Peabody & Co., have acquired any rights to the said 149 Bonds, such right was acquired by virtue of the purchase of 24th of June 1862, and that to claim the possession of said Bonds, and the right to receive payment of them, admits, as a necessary responding fact the right of the State Texas to receive from them, Messrs Peabody & Co., the purchase money, or at least such parts as have not been paid, together with reasonable interest thereon, since the day at which it was payable, under the Contract of purchase. This proposition in law will not be questioned: and I might well go further, and state, that in equity, Messrs Peabody & Co., have no right to ask the payment of the bonds, until they have shown to the Secretary of the Treasury, that they have fully complied with the terms of the Contract, and shown that the purchase money has been paid: particularly so, where it is manifested to the said Secretary, that a contest has arisen, over the question as to who has the right to demand payment of the Bonds.

6. The remainder of the 300. bonds, included within

numbers before mentioned (151 in number) it seems, were complicated in the Chancery Suit also, and are withheld by Messrs Drouge & Co., from the State of Texas, until the Chancery suit, instituted by Messrs Peabody & Co., touching the sale of the said 149 bonds shall be fully and finally settled. Thus the State of Texas is deprived of the 151 bonds, in consequence of the said Chancery suit.

7. Of the bonds presented by Messrs Peabody & Co., (149) are paid in disregard of the State of Texas, before those gentlemen, are brought to settlement, such payment will necessitate the State, to have recourse to the Courts of England, to her great and unnecessary injury, and will also indefinitely postpone the reception by her, of monies, which to-day belong to her Treasury. The Secretary of the Treasury being placed in possession of the principal facts in relation to the controversy touching these bonds, may well and legally withhold payment, until the rights of contending parties are arrived at, by negotiation, or by judgment of the Courts.

8. To restate in a few words: The 300 bonds, within the numbers before mentioned, are the property of the State of Texas; at least 151 of them are unquestionably so. The other 149, the State claims, alleging that Messrs Peabody & Co., and Messrs Drouge & Co elected to repudiate the purchase of them, and to claim by a Chancery proceeding, the restitution of the purchase money. The State is ready to refund the money, and resume the possession of the bonds. If this claim of the State, cannot be maintained, then, it is said and will not be denied, that the consideration for which said 149 Bonds were sold, does belong to the State with reasonable interest thereon from the day it was payable.

9. The State of Texas, through her properly constituted agents, has sought for many months past, to arrive at an understanding with Messrs. Peabody & Co., and Messrs. Drouge & Co., but has failed in every effort. The State did not lose sight of her absent property, nor has she neglected to use every legitimate means to regain possession of it, but the terms of settlement offered by the parties above named, have been so unconscionable, so much to their advantage, and so injurious to the State, that I cannot submit to them voluntarily, without proving recreant to my entire sense of duty, as the Executive of the State. The desire to fairly and equitably conclude, and finally adjust these matters of dispute, with Messrs Peabody & Co., and Messrs Drouge & Co., still obtains with the present authorities of the State, with the same earnestness it did under their predecessors: and the Legislature at its late session, conferred the power especially on the Executive, to agree to such terms of settlement, as he might deem proper, for the interests of the State — Vide Ex. A. herewith enclosed.

III

— Texas 5% Indemnity Bonds — Geo W. White — John Chiles —

I would also call your attention to the fact, that one hundred and fifty-six, of the same class of bonds, were received by Geo W. White and John Chiles, from the late Military Board, of the State of Texas, ostensibly for the purpose of procuring and introducing into the State

during the Rebellion, a large number of Cotton Cards, and large amounts of medical stores, for the use of the people, and for army purposes. I am unable at this moment to name said bonds, by number, but presume from your letter of the 30th ult. that they are sufficiently known to you, to serve the objects of this protest.

I would impress on your mind, that the State of Texas, has received no consideration whatever for those bonds that they are to-day in the hands or under the control of said Geo. W. White and John Chiles, in bad faith, and are wrongfully and fraudulently claimed by them.

Negotiation has time and again been sought with said parties by the State, through proper agency, in order that a settlement of the matters might take place, on a fair and equitable basis: but every effort has proven abortive: the said parties refusing to return said bonds, on any terms, save such as are ruinous to the finances of the State, and the most advantageous to themselves. The Bonds now held by Geo W. White, and John C. Chiles, or either of them, received from the Late Military Board of the State, are the property of the State of Texas.

IIII

Texan 5% Indemnity Bonds — Oliver & Bro.

I also call your attention to the fact that Messrs Oliver & Bro., of Matamoras, Mexico, have the possession of and claim the payment of twenty others of the same class of bonds. These bonds were also removed from the Treasury of the State for unlawful purposes, as were all the others — for which the State has received no consideration.

The State of Texas, through her legally constituted authorities is not only ready but willing to meet all the claimants to said bonds and to adjust all matters of controversy on a fair and equitable basis: and until said claimants manifest a like disposition, and act upon it, the said State, through her Executive, protests against the payment of said bonds, and requests of the United States, as the simplest act of justice, that such payment be withheld.

In the event that said claimants shall fail and refuse to make settlement, and full adjustment with the State of Texas, of the matters in controversy touching said bonds, I shall submit to the Government of the United States, with all the force and earnestness I can, the propriety of canceling each and every one of the Texan Indemnity Bonds, concerning which any controversy exists.

I am, Sir, with the highest respect,

Your very obt Svt

J. W. Throckmorton

Gov of the State of Texas

Executive Department
Austin Texas Nov 14th 1866

Maj Genl Sheridan,
Com'dg Dept. of the Gulf
New Orleans La:

Genl - Your telegram of yesterday received and answered. The companies of State troops authorized by act of the Legislature, were ordered to be raised and organized, but not to take the field until further instructed. As a matter of course I have no wish to incur the expense of putting them in the field, and certainly will not do so, if the troops ordered by you, take the field at once, for the protection of the country. Do not misunderstand me as complaining at yourself or the Government. On the contrary I am much gratified at the promptness with which my requests have been answered, and I am satisfied the troops will be placed on the frontier, just as soon as it is possible to move them. For the satisfaction of the people, and to justify myself in not ordering out the State troops, I have published in the newspapers your several communications in regard to the immediate protection of the frontier, by the Genl government. The people of the State feel confident that the government will afford the necessary protection.

Allow me to add, that very recently the Indians have been in the Counties of Gillespie, Blanco & Burnet, and killed three persons certain, and I have a rumor of the capture of one family. They killed and wounded at least 100 head of horses, besides a large number of cattle. The federal troops from Fort Martin Scott, near Fredricksburg, followed the trail a short distance, but as soon as a temporary guide they had left them, they could not or did not follow further.

It is important that good guides should be employed. If deemed advisable, as soon as I can learn the different stations at which troops will be placed, I would be glad to furnish Genl Heintzelman, the names of the best and most faithful frontiersmen we have, to act as guides. I know that success in following Indians depends almost entirely on having good guides.

I am satisfied the Indians are now moving down from the plains, following the Buffalo, and that they will locate, for the winter, in striking distance of the frontier.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department.
Austin Texas Nov 12th 1869

Maj Genl Kiddoo.
Galveston, Texas,

Genl- I desire to call your attention to the fact that the negroes are drilling in many localities in this state. They are armed; and from the frequency of such conduct, I am satisfied that they are stimulated to do this by a low class of white people, who really have sinister motives in view. I have refrained from calling your attention to this matter until I should be thoroughly satisfied of its truth. There is no good that can result to the blacks by such course of conduct, and it is well calculated to arouse fears in the minds of people where it is carried on. It has frequently occurred in the suburbs of this City, and in various other portions of the State. It is justly producing alarm in the minds of all persons who are cognizant of the facts. I ask that you will exercise the authority vested in you to put a stop to it. I presume an order from your Hd. Qrs. and instructions to your Assistants will be sufficient.

It is my determination to see that our laws are properly enforced, and all the rights of this class of the people secured to them. It is my wish to cultivate and encourage the best feeling between them and the whites. I have no doubt, with proper conduct on the part of the blacks, that they will receive, from the great mass of our people encouragement and assistance.

I feel, General, that I shall have your heartiest assistance in trying to impress upon all classes the necessity of cultivating enlarged and liberal views, in regard to relative interests of each class, and their mutual dependence, one upon the other, for the promotion of their respective interests. A just regard for the present and future welfare of the country has impressed the thoughtful and reflecting portion of the people of Texas, with the propriety of acting in the kindliest and most generous manner towards the negroes. I feel sanguine in the belief that no great length of time to make this fact manifest to the world.

With the hope of an early answer from you on this subject and that you will take immediate action in the premises, I have the honor to be

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department,
Austin, Texas, Nov. 15th 1866

Davis Gurley,
Waco, Texas,

Dr Sir:— The Legislature made provision to pay an Adjutant General $2000.00 currency, per annum, and also provided for the organization of the Militia. The appropriation does not take effect until 1st Jany next. Therefore, as I am of opinion that it will not do for me to attempt the organization of the Frontier Regt., and as I deem it proper, not to attempt an organization of the Militia until after Jany, I will have no special use for the organization of the Adjutant General's office until the beginning of next year.

If you can live on the salary, and will take the position, it will be gratifying to me to have you fill it— the Commission to take effect from 1st Jany 1867. There was an appropriation of $5000. to defray the expenses of organizing the frontier Regt., and should anything turn up that I would require your assistance before Jany, I will notify you; and can pay you out of that appropriation

Enclosed you will find copy of Sheridan's last order, from which I infer a gentle hint not to send out the frontier Regt. But, on the subject of frontier defence, I have the assurance of the Government that it shall be ample.

Very Truly
J. W. Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov 15th 1866

Col Peter Rose
Waco, Texas,

Dr. Sir: For a week past I have intended to write you, but the pressure of business consequent upon the close of the Legislature, has prevented. Enclosed you will find a copy of a late dispatch from Sheridan. From this I infer it is not intended by the Government, at this time, that we shall put an armed organization in the field. He is sending troops to the frontier. The companies of the 6th Cavalry now here have marching orders for the upper portion of the frontier.

I have requested the parties authorized to raise companies to complete their organizations, but to incur no expense on the account of the State, without orders. I desire the companies organized, and if not called out now, or this winter, if favorable opportunity occurs in the Spring, I intend to urge a campaign into the Indian Country, and in such event,

very much desire to send out the Regt or a portion of it. ——— I send you your Commission, and from its tenor you will see that no pay attaches until you are ordered on service. I commission Burleson as Lt. Col, and Barry as Major. You may complete the organization if you see proper, by selecting a principal Surgeon and Regtl adjutant - notifying me of the appointments, so that commissions may be forwarded. ——— I am looking every day for the return of Maj Forsyth U.S.A., sent out by Genl Sheridan, to select proper localities for military stations along the frontier line. I have no doubt as soon as the localities are selected that the troops will be dispatched to them at once, as soon as I am informed on this point, I will write you. ———

Very Truly
J. W. Throckmorton
Gov of Texas

P.S. I concluded to say nothing about the time your pay will begin in the commission. As a matter of course when on duty the pay will be allowed.

J.

Executive Department
Austin, Texas Nov. 16th 1866

Hons D. G. Burnet &
O. M. Roberts,
Washington, D.C.

——— Gentlemen - Presuming that you will be the only ones of our delegation in Washington at the time of the arrival of this communication, I address it to you. Enclosed you will find copies of communications to me from the officers of the Courts of Guadalupe County, touching the most flagrant outrages perpetrated by the military authorities hindering and preventing the administration of the laws. On the day of ——— I addressed the Hon Henry Stanbery, Atty Genl U.S., in regard to similar outrages perpetrated by the military, and forwarded him a map of papers as proof of the same, and subsequently addressed him again and forwarded other papers. I beg to refer you to these communications for the facts of the several cases referred to. It will be observed by you that the military ignore the President's Proclamation as restoring the supremacy of the civil over the military authority. The enclosed papers would indicate that Genl Heintzelman, comdg in this Dist, expressly declares that the military is supreme. I had hoped long before this to have had authoritative instruction from Atty General Stanbery, determining these questions I should have. ~~I have~~ asserted the clear and undoubted Constitutional rights of the State, to arrest and try these military offenders, but appreciating

the delicacy of the position of the President, I was anxious to avoid complications that would any further embarrass him.

Several officers have been indicted, (among them my first Secretary, Oldham, and Capt Loring, alluded to in the accompanying papers) for their interference with the Courts and records, and for offences committed. Some of the indictments for violations of the law prior to the date of the President's Proclamation declaring peace &c. and others for offences committed since that date.

Now, I desire that the authorities will determine whether I should proceed and have the laws enforced, and these parties punished or tried, or whether we are, and have been since the President's proclamation, under military domination, without redress for every species of wrong. It does appear to me that even under the Articles of War, that officers and soldiers of the army are amenable for criminal offences, violative of the State laws.

I urge upon you to take such steps in this matter as will enable me in the future, to have the laws executed; and if we are not to attempt the trial for these offences let me understand it, so that I may instruct the Courts accordingly. If these parties are to be punished, I desire authority from the President, either special or general, to call on the military to enforce the laws, when the posse Comitatus is not sufficient.

Very Respectfully
Jno Throckmorton
Gov of Texas

Executive Department,
Austin, Texas, Nov 16th 1866

Capt Jno. W. Sanson
Hodges' Mills, Texas

Sir: Your favor 14th inst just received. I cannot authorize any expense to be incurred, on the part of the State in the organization of the Companies. I have such assurances from Genl Sheridan, as to the protection of the frontier by the federal troops, that I do not expect to be required to call out the State troops. Yet I would be glad to have the Companies organized, so that should future emergencies require, the Companies could be sent at once to operate against the enemy. I think if your Company was organized and divided into squads, and the men would agree to obey their officers, even though the federal troops should be on the line, much good could be accomplished by the timely assistance you could render the troops; as our people are much more competent to follow trails &c. We should expect you to use every precaution necessary that will aid in the protection of the frontier.

A letter just rec'd from Genl Sheridan, informs me that the 4th U S Cavalry will cover the country from Fort Clark to Mason, largest part of the force to be sent to Mason. The 6th Cavalry goes higher up — some of the troops already gone.

If you can raise your Company will be glad to hear from you. We should be prepared, if it becomes necessary, to defend the border. I don't doubt the determination to do so, but an organization of the frontier settlers can do no harm; and should it become necessary, I will take the responsibility to send them out.

Very Respectfully
J W Throckmorton
Gov of Texas.

P.S. Five Companies 4th Cavalry go to Mason, — three to Camp Verde; One to Fort Clark; one to Fort Inger; the Camp at Fredericksburg will be broken up. Eleven Companies 6th Cav. go to Jacksboro. J.

Executive Department
Austin, Texas, Nov 16th 1866

James B. Shaw
Galveston, Texas,

Dr Sir: Yours of the 7th inst, reached me just as the Legislature was crowding everything to get through, and the immense mass of business pressing upon me at this juncture, precluded an earlier answer.

Some time since I rec'd a letter from Ballinger & Jack of Galveston, informing me that they were the agents of some of the parties, and intimated a desire to settle. That letter was placed in the hands of the Atty Genl, Walton, to answer. Should you remain in Galveston long enough, ascertain from Messrs Ballinger & Jack, upon what terms they are disposed to settle. You can do this, and learn if the terms are as liberal as you could have arranged when in England. The Legislature gave me full authority to settle the whole matter. I have not determined yet what course to pursue. I have forwarded a protest to Washington, against the payment of any of them, by the Government. Let me hear from you fully; and as to your future expected whereabouts, as I may desire your services.

If you can effect anything in Galveston, it would be preferable.

Yours Truly
J W Throckmorton
Gov of Texas

Executive Department,
Austin, Texas, Nov 16th 1866

Hon B. M. Pfeffenor
Washington, D.C.

Dear Sir: I send herewith copies of communications recently sent by me to the Bureau of Indian Affairs. You will observe one of the letters is written in behalf of the Tonkawa Indians. They have always been faithful to Texas. Gen Houston, Rusk, Henderson and all our civil officers relied implicitly upon their integrity and devotion to Texas. Not one single murder has ever been laid at their door. At the breaking out of the late war they were located, with their bands, near Fort Cobb. But the Wichitas, and other unfriendly tribes, who went North, attacked the Tonkawas, and killed one half their entire number. At the same time the hostile bands attempted to murder Col Leeper, the Agent, and did kill some of his party. The Tonks fled there for safety, and now they refuse to go back, and indeed they should not be forced to go, because of their ancient good faith to Texas they have the enmity of all the other Tribes. The Legislature authorized me to locate them on a home, near some Government Post, and has given me $5000 to clothe, and purchase some utensils for them &c. Now they are near the post of the Wichita Agency, and are justly entitled to a part of the appropriation made for that Agency. If the Bureau would apportion it to them and appoint a suitable Agent, or direct a Quartermaster of the Army to receive and expend it for them in lieu in the manner contemplated by the law, it would accomplish what I desire for them, and what will be just to them.

The other letter is in regard to an Agent of the Wichita Agency. Texas has a very great interest in this Agency, & wishes you to urge the President at once. No greater curse can be visited upon us, than to have an agent there who can control the Indians and who has a deep interest in the peace of our frontier. I hope our delegation at Washington, will write at once and urge upon the President the appointment of Dr John Shirley, as this Agent. He has been with them for many years. He used to be one of the traders, and physician to them, during the Superintendancy of Maj Neighbors, while their bands were located in Texas, and has remained with them through all their troubles. He is well qualified. The Wichita Agency can be made the means of controlling the wild tribes. As the agents appointed to them, are from Arkansas or Kansas, who have no interest in the peace of Texas and whose great interest is to promote their own selfish views, it is of great moment to us that their agent should be alive to our welfare.

One other point. That is for our delegation to urge upon the Indian Department the making of a new treaty with the wild Comanches, Kiowas, Lipans, &c. who infest our border. These wild tribes do not know, or recognise Texas as a part of the U.S. Government. Therefore, it becomes necessary to make a new treaty with them, and let ~~them~~ a Commissioner go from Texas. You will observe from the accompanying copies of papers herewith forwarded, that these people have violated the recent treaty made with the General Government. They have continued war upon Texas, and the Indians of the Witchita Agency. They are now murdering our people, and have many women and Children in captivity. To make a new treaty and recover these people, it is absolutely necessary that steps should be taken at an early day. If the Government will appoint me one of the Commissioners I will go and assist in the treaty. It should be held in the Witchita mountains, or near old Fort Cobb. It will be of more service for me to be present than any other manner in which it can be done. As the representative of Texas, - and having once treated with them and being personally known to all their Chiefs, the effect will be good besides, I can make stipulations necessary that no one else will think of. It is important - urge it. There is one other point I had well nigh forgotten. A large band of Kickapoos, left Kansas and went to Mexico during the war. They are committing many outrages on our South West border. The Government should instruct Genl Heintzelman to have these rascals removed back to Kansas, or make an exterminating war upon them.

I shall write you soon as to our frontier defences, but do not desire to do so until advised as to the movements of the regular troops, and the localities at which they will be placed. I am assured by Maj Genl Sheridan that 2000 Cavalry will be placed on the frontier line; - some have gone, but they are tardy in their movements. I expect in a few days to know where they are to be placed.

Very Respectfully
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov 16th 1866

Dr S. B Buckley
Austin, Texas.

Sir: You are appointed Asst State Geologist, and as such will take charge of the Geological specimens and prepare them for removal, to the new room contemplated for them in the Capitol (the present State Library room). There being no appropriation to pay salaries of State Geologists, Dr Buckley will have to trust to a future Legislature, for his pay, but as a Joint Resolution was passed at the recent session which requires this, I appoint

him for the purpose of complying as nearly as possible with the wish of the Legislature.

One thousand dollars have been appropriated to meet the expense of preparing & remaining the specimens to the Capitol building. Under this appropriation Dr Buckley will procure to arrange and superintend the removal &c. He will also take charge of all the property &c belonging to the Geological concerns of the State.

J. W. Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 17 1866

Hons O M Roberts & D.G. Burnet
Washington D.C.

Gents – Accompanying, you will find Report of select Committee of the Legislature, sent to investigate the burning of the town of Brenham, by Ind Soldiers. This report and all the facts have been before forwarded by me to the Atty Genl. U.S. I now send them to you with the hope that compensation to the sufferers may be had, from the Government, and that you may procure an order for the arrest and Court Martial of this Major Smith, unless they will turn him over to the civil authorities of the State. This miscreant, I understand, has been promoted, instead of being cashiered. I have repeatedly asked Genls Heintzelman & Sheridan that he be removed to some other locality. There is no doubt but he has done every thing in his power to irritate and cause the people of Brenham to commit some rash act, but so far they have been very prudent. No greater wrong was ever perpetrated upon any community than that referred to, and I am well satisfied that this man Smith was the instigator. Since this occurrence, he has acted most outrageously in ordering the posse comitatus, ordered out under my direction, to preserve order, to be arrested if they were found armed, &c. He has also used most disrespectful language towards the President. For this conduct, I presume, the Hon Secty of War, without the knowledge of the President, has promoted him. If it is desirable on the part of the Government to restore peace and harmony, and perfect good feeling, and fidelity to the Government among our people, such outrages should not go unpunished.

I also forward you copy of an illegal order, issued by Chief Justice Wm. Bryant, of Grayson County, to the Sheriff, and a Justice of the Peace, of that County, who have possession of a gin under a writ of sequestration, and proceed to the private property, for which Bryant was indicted, and also sued in a civil suit for damages. You will see that Lt Col Abert, U.S.A., ordered to

release from arrest of Mr. Bryant. In other cases in the same County (copies of papers forwarded heretofore to Atty Genl Stansbury) he has ordered the release of the parties from their bonds, given for their appearance to answer, &c., and has also notified Judge Weaver, (Dist Judge) that those cases cannot be tried. Many similar acts of interference have occurred in other parts of the State.

I desire an order from the proper authority, (Sect. of War, or Genl Grant, I presume) directed to the military, rescinding all cases that have thus been interfered with by the military in the Courts of this State.

Accompanying you will also find sworn statement of an officer of the State, and letter from Judge Shropshire, of the interference, of an agent of the Freedman's Bureau. I have applied to Genl Kiddoo, in this case, but did no answer. Please to see the Chief of the Dept at Washington, and see if this and other similar cases can be remedied.

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas.

Atty Genl's Office
Austin Texas, Nov 18th 1866

Messrs Ballinger & Jack
Galveston Texas,

Gentlemen – Your favor to the Governor, speaking on the subjects, Texas Indemnity Bonds – & Messrs Droege & Co., was received in due time from its date, 27th Sept. He regrets the delay which has occurred, but the pressure on him attending the close of the Legislative Session, has prevented attention at an earlier day. At his request I now reply to your letter.

1. The Governor is in possession of all the facts, relating to the three hundred Bonds, placed in the hands of J. W. Swisher & Co., for negotiation in England, by the Military Board, and he is also advised of the present condition of said Bonds.

2. The Governor was specially empowered by the Legislature to take the necessary steps, to settle and adjust all the matters of Controversy springing from said bonds, and the transactions in relation to them.

3. He is very willing to enter into immediate negotiation with you as the representatives of Messrs Droege & Co, with a view to the final adjustment of the Controversy between them and the State, touching said Bonds, and will be pleased to receive your propositions, in writing, or perhaps better still, to interview with one of you in person, in order that conclusions may be speedily arrived at.

I am Gentlemen, Your Very obt Svt
J. W. Throckmorton
Att. Genl.

Executive Department
Austin, Texas Nov 19th 1866

J. Wilcox,
Dist Clerk
Seguin, Texas,

Sir: the copies of the indictment and judgment of the Court in the cases 113, 114, 116, against W. H. Styron were received by last mail. But no copies of indictment and judgment in the case of Geo Schmidt. Please send up the latter. As soon as you send me a receipt, that the Dist Att'y's fees, Costs, Sheriff's and Clerks fees have been paid in the Styron cases; and the same, with the copies asked for, in Schmidt case, I will forward the remission of the fines to your care.

I am of the opinion that the Executive has no power to remit the fees of office, due the officers of the Court. At least I entertain a very grave doubt on the subject, and cannot attempt the exercise of such a power, without the strongest reasons for its necessity and propriety.

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas

Executive Department
Austin, Texas Nov 19th 1866

Maj Genl Heintzelman
Comd'g Dist of Texas,
Galveston -

Genl - Your favor of 18th inst. with enclosures of Special Orders No 28, rec'd by last mail. I am much gratified at the prospect of immediate protection for the frontier. General, I have heretofore, and will still continue to address you, without reserve, as to our frontier defence, feeling well assured in my own mind, that you feel a lively interest in the protection of the people in your military District. I am further impressed with the conviction that the same desire is felt by the Maj Genl Comd'g Dist, and that the Government is determined to make the protection effectual. It is with this knowledge and belief that I am the more free to venture suggestions that otherwise I would refrain from. I would therefore most respectfully urge that two Companies, either from the fourth or sixth Regts, be stationed on the Colorado, at the mouth of Pecan Bayou. This point is on the North line of San Saba County, and near the North-west corner of Lampasas County. Forage can be had in abundance in Bell and Williamson Counties - perhaps it may be

had still nearer in the Counties of Lampasas and Coryell.

Two Companies should be stationed between the point mentioned above and Jacksboro. And four Companies in Montague County, on Red River; or, if two Companies were placed on Red River, near the North-west Corner of Cook, it would be better, as the latter point would guard a noted, and long frequented, Coping on the River, of the hostile Indians. The Companies on Red River could be supplied with forage and flour, as readily and at no greater Cost, as those at Jacksboro.

I will be greatly obliged to you for an immediate answer, on the subject of this Communication.

With great respect, General, I am,
Most Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department –
Austin, Texas, Nov 20th 1866

John N. Erbank Esq
Palo Pinto, Texas,

Sir: Yours of the 11th inst is rec'd. In answer I have to say that the Legislature at its recent session made appropriation to the amt of 2500$ for the ransom of our people who may be captive among the Indians. As a matter of course this amount is to be applied to the relief of as many of our people as can be recovered, and will have to be divided. If you can, or do recover, your son, one hundred dollars, or perhaps one hundred and fifty, can be applied for him. Evidence must be filed here, to show that the money is applied for this particular purpose. Should you succeed in getting the release of your son, bringing proof of the fact, as to identity &c. and that so much was expended in obtaining his release, &c., I will assist you to that extent – and the same as to other prisoners, now in captivity.

I would advise you to go to the Agency near Fort Arbuckle then to the Agency in Kansas. I am endeavoring to get up a new treaty with these Indians. If I can influence the Indian Dept in Washington, to do this, I think I will succeed in reclaiming all of our unfortunate people.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Nov 21st 1866

S. M. Swenson
No 26 Exchange Place
New York City

Dr Sir: I presume that before this reaches you, that Mr Paine will have informed you that the Legislature made an appropriation to pay the interest due on your bonds, and others of like class, and also to meet the interest for the next two years. These bonds of yours, and I believe, only six others, issued under the same act, and about the same time, are the only liabilities of the State (except 2d class debt of the Republic) but what have to be presented, under recent law, to an Auditorial Board, for ascertainment and adjustment, and when ascertained and adjusted, the Board will issue to the parties 6% State Bonds, interest payable at State Treasury - the bonds redeemable in ten years or earlier, at the option of State. The next two years interest already appropriated and will be promptly paid. If you have the ordinance of the Convention, in relation to the public debt, you will observe all the debt (civil and military) contracted since 28th Jany 1861, is repudiated, except for services of Genl Houston's frontier guard, rendered after that time, which I believe continued until the following month of March.

You will perhaps remember that subsequently a law passed authorizing the funding of all outstanding liabilities of the State, in 8% bonds 294 Bonds were thus issued, and based upon warrants issued prior to and subsequent to secession. Therefore, you will see the necessity of an Auditorial Board, to ascertain what amount of these bonds were based upon liabilities incurred prior to secession, so that new 6% bonds may issue, for such amounts as were not repudiated by the Convention.

Bonds of some character, 6% Coupons attached payable semi-annually, will issue for all liabilities incurred prior to to 28th Jany 1861. And $50,000, has been appropriated for 1867-8, to meet interest that may accrue upon these bonds. This will be ample, because the adjustment of the debt will require some time and parties may not send in their grists for grinding very rapidly.

The Legislature gave me full power and authority, to settle as I may deem proper, the Texas (U S.) Indemnity Bonds, held by parties, that were obtained through the Military Board. This includes the Peabody, and Drouge bonds. The Wolfe and Chiles Bonds, and Oliver bonds and some few others.

I have filed a protest at Treasury in Washington against the payment of these bonds, to the parties claiming them. I am willing to settle with all parties, on fair and liberal terms, and have opened correspondence with Ballinger & Jack, in Galveston, who represent the Drouge firm. If the parties

will not settle in a fair and liberal spirit, I shall ask the Genl. Government to cancel the bonds. It will be better for Texas to loose all her interest in these bonds, than for her to be treated dishonorably by the parties holding them. If I cannot manage the affair, by getting up arrangements in Texas, I think I will avail myself of the services of J. B. Shaw. I rec'd a letter from him some time since, written from Galveston, and have asked him to write me again, after ascertaining what propositions Ballinger & Jack see proper to submit. I intended to write you on some other subjects, but find myself so pressed that I cannot. Am obliged for the papers you have sent me, and will always esteem it a favor to receive a letter from you.

Yours Truly
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Nov. 21st 1866

Capt. G. B. Pickett
Decatur, Texas –

Having heretofore authorized you to raise a company for frontier service, under recent act of the Legislature, and having received information from Major Genl's Sheridan and Heintzelman, that the frontier will be amply protected, by U. S. troops, and these troops now being en route, to the frontier, I deem it proper to say, that I apprehend the State will have no immediate occasion to use her frontier forces. Yet, I would be gratified if your company was organized, in order that its services might be made available in any sudden emergency, arising from Indian invasion or depredation. I would advise this independent of any allusion not to be made of the frontier men by the State, because such an organization such an organization might be of great service in assisting, as occasion might require, the federal troops. Our people being much better qualified to follow trails &c. Companies of Citizens organized, with squads in different neighborhoods, could frequently be of great service.

Whenever your company is organized, and Roll out up I will send Commissions to the officers, so that in the future, if service is required, there need be no delay.

Very Respectfully
J W Throckmorton
Gov of Texas

Note – Copy to all the Captains authorized to raise Companies

Executive Department
Austin, Nov 22nd 1876

W. H. Clayton
Insr Agt Comrs
Box N 7 & A L.
Liberty Texas.

Dear Sir: Through the office of the Atty of your Bureau, I have received the judgment of the Court in the case of Rayburn, freedman, sent to Penitentiary from Limestone County, with statement of facts, &c, but no copy of indictment. This latter is necessary to be filed with other papers before action. I would, as heretofore suggested, request a petition from gentlemen of standing in the County.

I would further state, that, as a rule for my action, I have required a receipt to be sent me by the Clerk, that the Dist Atty's fees, and Clerks fees, and other costs have been paid. Though in a case where the convict is too absolutely poor to pay it, I would not refuse to grant a pardon for want of it. But I deem that I have not the constitutional power to remit fees of officers, and where they are not paid by the person pardoned or his friends, the State has it to do.

Send copy of indictment and petition, and a receipt from Dist Clerk, if the fees can be paid.

Very Respectfully
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin Texas Nov 23rd 1876

Dr. D. C. Dickson
Financial Agt Penitentiary
Huntsville, Texas.

Dr Sir: The Legislature authorized me to appoint a suitable accountant to examine and adjust the papers of the Penitentiary. A copy of the law referred I enclose to send George Kirkham down for this business. But he thinks it will not pay his expenses. Therefore I write to request that you will select some suitable person and notify me and I will send his appointment.

Very Respectfully
J. W. Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 24th 1866

Hon. R. H. Epperson,
Washington D.C.

Dr Sir: Enclosed you will please find a communication from Chief Justice, Henry Beaumont, of Calhoun Co, Texas. The citizens of Indianola, have suffered very much by the deprivation of the use of the property. Be so good as to present this matter to the proper authorities. If you can obtain an order requiring the Comd'g officer of this State to appoint a Commission, or direct an officer, to examine all cases where private property has been taken for public use in Texas, it will be an act of justice. I cannot believe our government intends or desires that poor people who are penniless, shall be turned out of house and home, and thus be denied compensation for their property or its use. Many instances of this kind have occurred.

Very Respectfully
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas Nov 24th 1866

Hon H Beaumont
Indianola, Texas.

Sir: Your communication of the 12th inst. was received yesterday. Briefly I will state that immediately an application will be forwarded to Washington, asking that the order referred to by you be rescinded. I would also suggest that the parties at interest in your city proceed to take testimony to establish accounts made out, and to accompany the testimony, and forward the same to me. Or perhaps the accounts, specifically setting forth the dates, for rents and property destroyed, will be sufficient for me to have the matter properly set before the authorities at Washington.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 24th 1866

Messrs Baker, Walker & C.
Galveston Texas,

Gentlemen— Your favor 20th inst requesting my influence in removing Col Stuart, the Collector of Revenue &c. was received by the last mail. I see from the papers that there is a diversity of feeling on this subject, in your city, and I know

some of the facts, and feeling that the merchants and business men of Galveston, who are acquainted with all the facts, are the proper persons to present the matter to the President I request you to allow me to remain unconnected with the Controversy.

With great respect, gentlemen, I am
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Oct 26th 1866

To His Excellency
President Johnson,
Washington, D.C.

Sir: I take great pleasure in recommending to your favorable consideration, as a fit and meritorious appointment from Texas to West Point my young Willie Maverick, son of Hon Sam. A. Maverick, of San Antonio, of the 1st Congressional District of this State. He is a young man of strict integrity and moral worth, and ranks high with the professors of the Trinity University, as a student. He is 19 years of age. His appointment will be worthily bestowed.

Very Respectfully
Your obt Svt.
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 26th 1866

Col S. A. Maverick,
San Antonio, Texas,

Dr Sir: Your letter of 25th inst received. In reply I have to say that there has been but two applications to me for recommendations to the President for appointments to West Point from your district. Therefore I take great pleasure in complying with your wishes. Enclosed you will find my recommendation to the President. I would suggest that you forward it without delay to Senators Bennett and Roberts at Washington.

I shall be gratified, when my business permits, to visit San Antonio. I am at all desirous to do so, and shall put the wish into execution, when I can, without neglect of the public business.

Your friend
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Nov 2 1866

Col. E. S. C. Robertson,
Salado, Texas,

Dr Sir: I have neglected to write you for several days, that Dr Lindley applied to Genl Heintzelman for a military guard to protect him from Bell County mob. The Genl refused it, and stated on the application, that he felt assured the people of Bell County, would see that strict justice was allowed Lindley. I write to inform you of the confidence expressed by the General in the law abiding pledge citizens of your County.

I fully endorsed his statements, and gave an additional pledge that the good people of Bell would abide by the laws, and see them faithfully executed. I am well convinced that such will be the result. I trust you will make known Genl Hs. good opinion of your citizens. It will be an additional stimulus for all to act up to the confidence entertained of them. The forbearance and moderation of the citizens of Bell, under serious provocations have contributed much towards relieving us of the presence of the Military in other localities, where they were not needed.

Your sheriff should notify the authorities of Denton County of Lindley's whereabouts, as he is indicted there for various offences.

Yours Truly
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 27th 1866

Hon Wm H Seward
Secty of State
Washington D.C.

Sir: Yours of 17th Oct with enclosures has been received. I have waited to see if any such scheme as that mentioned by you, of inducing the freedmen to emigrate to Peru or any other foreign country, on contracts for labor, would be developed. So far I have heard of nothing which induces me to believe that such attempt will be made in this State.

Any facts of which I may be in possession hereafter tending to show an attempt of this kind, will be reported to you without delay.

I have the honor to be
Your obdt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Nov 5th 1866

Hon Ben Roberts & Gen. Burnett
Washington City.

Gentlemen. Accompanying this I send you the Joint Resolution of our Legislature relating donation of lands from Congress for Agricultural purposes. By reference to the laws of Congress on this subject you will find that the first session of the 39th Congress, or perhaps last session of the 38th extended the time for the States to avail themselves of the benefit of the law. But our State not being organized in time, could not avail itself of this liberal extension, consequently will not be entitled unless our situation of inability be construed to our favor. I presume the Dept will not do this. However, you might have it determined, then, if we are cut off in to have the law extended. It is proper also that I should advise you that our recent Legislature made provision for the selection of a site for our State University, and the commencement of the building &c., as soon as the University funds are reclaimed and paid in. Also provided that there should be an Agricultural College, in connection with the State University, and that the donation of lands from the Genl Government should be exclusively applied to such College. This was in accordance with the view of Congress in making the donation. If necessary I trust you will try and have the law extended for the benefit of Texas.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

P.S. – As soon as the laws are printed I will forward copies.
J.

Executive Department
Austin Texas Dec 3rd 1866

M Whahrmonoid
Fredericksburg, Texas,

Dr Sir: Yours of 29th ult, with enclosure to Maj Genl Heintzelman received yesterday. I have forwarded the communication to the General with the urgent request that the prayer of your people be granted. I also asked him to place one or two companies at Camp Colorado. Heretofore I have requested of him that the forces be stationed at short intervals alone the whole line of the frontier, and have reason to hope it will be done. I shall urge such disposition of the troops as will cover the entire line of frontier as effectually as possible. Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 3rd 1866

Maj Genl Heintzleman,
Comdg Dist of Texas,
Galveston—

Genl— I beg to report recent depredations of Indians in Mason, Llano and adjoining counties. Also as late as 20th ult. quite a body made their appearance and took off large number of horses from Cook and Montague Counties. I have no doubt a part of the same body penetrated lower down the County, but I have not yet learned as to their movements except as stated.

I desire to learn as early as possible if you intend to place a company or more of your force in Montague County. If not, I must place a company of State troops to guard this very important point. I have not ordered out any of the companies placed at my disposal and hope your disposition of the U.S. forces will save me that expense. I am, Genl, with highest respect,
Your obt. Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, Dec 3rd 1866

Mssrs A D Donald, et al
Colorado County—

Gentlemen, Your memorial in behalf of Sam, a freedman, has been received, and maturely considered. After a close examination of the charge of the Court and a statement of the facts in the case, I feel constrained to withhold the clemency asked for. I have granted pardons to a number of freedmen since

induction to office, and feel that it is a duty to do so whenever the facts and attending circumstances will justify, but in this case I feel that I would not be warranted in doing so.

I am gentlemen Very Respectfully
Your obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 3rd 1866

Capt J B Rowland
Gainesville, Texas,

Dr Sir: Your favor of 20th ult, with muster roll, received by last mail. Was glad to find there was one Dist, at least, on the frontier that had responded to the call. I had some days since sent out a circular that the captains who might succeed in raising Companies, would incur no expense on account of the State without orders. As it was not directed to you, I presume you have not seen it I now write to say to you that I have asked Genl Heintzleman for position answer to know whether he will station troops in Montague and Cooke, and informed him if he does not that I will be compelled to put a Company there, as soon as I hear from him you will be informed. In the meantime, I desire you to be ready to take that position should he not comply with my request Several Companies of W.S. Cavalry leave here on the 10th inst for the upper Country.

If I send you out you will have to be subsisted, by our using State bonds which will draw 8 % interest. Write me at what price you can buy forage and get transportation with this kind of State paper.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Dec 3rd 1866

Messrs. Webb & Jamison
Attys at Law
La Grange, Texas,

Gentlemen — I have duly considered your argument, on the law, as applied to the facts, in the case of the State vs. Robert A Jones, on the trial of which in the District Court of Fayette County, the defendant was convicted of murder in the 2d degree and I have also given the matter consideration, to the several points you raise, as error, in the Court, in its charges and rulings on the said trial.

I have not been able to satisfy my mind that any material error was committed by the Court, save in one point, even if in that; and if that was error, the result of the trial would not have been different, had the error not been committed. I allude to the charge given by the Court to the Jury, when they returned into Court, for further instruction, after their first retirement. It appears to me that the Charge then given, infringed on the province of the jury, but had the law of the case been delivered to the jury in unexceptionable shape, on the point embraced in that additional charge, the verdict of the jury could not have been different to what it was.

The full pardon of Robt A. Jones, has however been granted, not on the ground, that the Court committed error on the trial, but for the reason, that the peculiarity of the case, forbids any Court, to permit the mitigating or ameliorating facts, go to any Jury which may try the case. The facts of the case, present in my mind no legal defence, yet appeal in the strongest language, for the interposition of Executive Clemency. In aid of these facts, comes the numerous petitions from the citizens of the vicinity, and signed too by the jurors - grand and petit - by the Dist Atty and assistant prosecuting counsel - coupled with the good character of the prisoner, and bad character of the deceased.

While I believe the pardoning power, should be exercised but seldom, and then with caution, yet during, I simply discharge a high duty in extending Clemency to the prisoner, Robt A Jones. Believing and trusting that this act of mercy, is not improperly bestowed, and that its effect may be an aid to the full and fair execution of the law. I have the honor gentlemen to be

Your obt Svt

J W Throckmorton

Gov of Texas

P.S. It is useless to mention that this pardon does not relieve the prisoner from any of the costs in the case. They will be paid by him.

J W T.

Executive Department
Austin, Texas, Dec 3rd 1866

Col Davis Gurley
Waco, Texas.

Dr Sir: Yours of 27th ult received in due time. If it suits your convenience you will report for duty 1st Jany 1867. Should it be desirable on your part you can report any time during the month of Jany.

As news of interest. Looking anxiously now for President Message.

Truly Yours
J W Throckmorton
Gov of T.

Executive Department
Austin Texas Dec 3rd 1867.

Wm Sutherland, J H Polly,
W. P. Hughes & W L Sutherland
Wilson County Texas

Gentlemen - I have the pleasure to inform you that by last mail from Washington City, the President's warrant of pardon, was sent to the Executive Office of this State for each one of you, upon condition that you return to the office of Secty of State, the oath to be subscribed and sworn to before a proper officer (Chf Justice or Dist Judge) which form of the oath I have had carefully printed, and forward to you. Please to subscribe the same before the proper officer (with revenue stamp) and return to this office, with postage to pay on your pardon to your address (say 15 cts) on each case. Upon reception of the same I will forward them to Washington with your names signed, also to the accompanying acceptance, and will at the same time forward to your address the warrant of pardon. Or if you prefer I will send the warrant of pardon before you sign the acceptance and will at the S.C. But I suggest the other as the best plan, as some derangement has heretofore occurred in these things, and this will obviate any in the future.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

N.B. Copy of same to Thos H Espy, Burnett County.

Executive Department
Austin Texas Dec 5th 1867

Maj Genl Hemphleman U.S.A.
Galveston, Texas,

Dr Genl Your letter of 1st inst announcing the fact of your being relieved of the command of this Military Dist was received this morning. I regret much the loss to the State of your service at this juncture. I have no doubt of Genl Griffin's capacity, and as to his disposition to give our suffering border ample protection But our people will sincerely regret that their military affairs are not to be continued in your hands. For myself as the Executive of the State, and for the people of the State, I beg to tender you my, and their thanks for the uniform kindness and courtesy extended to all classes, by you in the discharge your duties, as an officer while among us. With the sincere hope that your future career may be as pleasant and prosperous, as your former life has been distinguished, honorable and just, and that an overruling Providence, may spare you many years yet of usefulness

to our beloved country. I am, Genl, with the highest consideration
Your Friend and Obliged Humble Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, Dec 5th 1866

Chas. B. Pearre
Waco, Texas,

Dr Sir. Your letter of 29th ult received by last mail. In relation to the case of Grandison, by sending me copy of indictment and statement of his locality. I will send a requisition upon the Governor of the State he is in, but you must send the name of some person who will carry the papers and make the demand, otherwise the probability is no efficient steps to bring the offender to justice will be taken; or if there is no indictment. There must be affidavit charging the offence, and that must be so certain as to warrant the arrest of the party under the laws of our State. Make your application in this way, and send the name of the party who will go to the other State for the offender and the requisition will be made.

The truly deplorable disorg and of the laws manifested in some sections of the State fills me with serious apprehensions, among the evils it will bring will be federal troops quartered upon us to enforce the law.

You have my thanks for your prompt action, and if the Executive can assist you to maintain the due administration of the law, you will please to suggest in what manner. If you deem it proper send me discriptions, and I will offer rewards in all cases contemplated by the law; but when you desire this done examine the law in such cases and send the necessary legal papers. I trust you may secure the perpetrators of the recent outrages in your section, and hope you may get such Grand Jurors as will ferret out the men who have taken the punishment of offenders into their hands.

These things, as you say, must be stopped. I hope the law abiding citizens of your Dist will aid you. Convey my kindest and heartiest wishes for your success.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Aug. 4th 1873

Hon. Gen'l Sheridan Commd'g
Washington D.C.

Sir: Having the title over to Coahuila
mentioned to me a very large number of these Lipan Indians have come into
Kansas, and made their way to Texas, locating not a
great many from Eagle Pass on the Rio Grande. Since their set-
tlement they have constantly depredated upon the South
Western border of Texas. Enclosed I forward you the letter of
the Hon. E. H. Black, in relation to these and other bands of
hostile Indians that ravage our South-west border.

I would ask that the Dept. take steps to have these Indians
removed to their old home, and that an effort be made to
make them return the cattle and horses, and captives they have
stolen from Texas. In the event they refuse to restore the captives
and property, and return to their own country, I shall ask that
the federal Troops be at them up. I shall at once write the
Officer Comd'g this Military Dist. and call his attention to the
facts, and ask his assistance to put a stop to their lawless course.
It is needless to call upon the Mexican authorities in their present
anarchical condition. They cannot even protect themselves.
If the authorities of the Genl Government does not do something
at once to relieve us from this pest, the people of the border can
not be restrained, but will cross the Rio Grande, and break
up this camp of Indian robbers.

I most earnestly urge such prompt action, on the
part of the Dept as will cause their speedy removal.

It will be observed, from Mr. Blacks letter that a part
of these Indians, that originally came down here returned to
their former home. The object of a part of the tribe remaining
is to keep a place of safety for the stolen property, as even those
who have gone expect to make frequent raids upon Texas and
when hard pushed, can cross the River to their kinsmen who
remain in Mexico.

Very Respectfully
Your obt Svt
E M Brockenbrough
Gov of Texas

Executive Department
Austin, Texas, Dec 6th 1866

To the Officer Comdg
Dist of Texas,
Galveston

Sir: Enclosed I send copy of a letter received from Hon. R. H. Black, relative to the Kickapoos and other Indians that depredate upon the South-western border of Texas. I have to ask that you will take steps at once to break up this den of thieves that shelter in Mexico. I apprehend that it is useless to call upon the Mexican authorities to deliver up, or drive out, these marauders. I presume the anarchy there will preclude any thing of this sort. I would very respectfully suggest that the officer Comdg U.S. forces nearest to Eagle Pass make a demand upon these Indians to deliver up the Captives they have, as well as the horses and Cattle they have stolen from Texas. This property if once in the charge of the Officers of the army, by the marks and brands of the Stock, can be identified by the frontier people.

The officer in Command at Fort Clark, could make this demand. These Kickapoo Indians should be at once forced to return to their home in Mo. or Kansas. As long as this nest remain in Mexico, it is a harbor, not only for the Kickapoos that depredate upon Texas, but for all the other tribes, who do the same.

The frontier citizens are now supplicating me to be allowed to go over and break them up. If some steps are not taken to effect their removal, our people will become so exasperated that they will move acros the river and attempt to root them out. I will be pleased to learn if you propose to do anything in the premises. I have already called the attention of the Indian Dept at Washington, to the facts in regard to these Indians, and asked that steps be taken to remove them, and recover the captives and property stolen. It appears to me that perhaps a suggestion from yourself or Genl Sheridan would induce the Dept to confer full authority upon such officer of the army as you would name to carry out the wishes of the Government at once.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 6th 1866

Hons Jno. Roberts D. S. Burnett
and R H Epperson,
Washington D.C.

Gentlemen— Enclosed I forward you a letter to me from Hon R. W. Black, Representative from Uvalde and adjoining Counties, together with a Communication addressed to the Comr. Indian Affairs, both of which I wish you to examine, and impress upon the authorities. These Kickapoo Indians must be removed from Mexico, and the Muscalaros and Lipanes must also be driven from that locality. A Commn appointed to treat with all of them would be best, and I am of the impression an officer of the army, authorized to treat or fight at once, is the best way to settle it. If speedy action is not had our own people will take the matter in hands.

I have written the Comd'g Officer of this Dist, at Galveston, on the subject, and I would suggest whatever course the Dept takes, it would be well to inform that officer at once, and if the instructions are given to him to carry out, perhaps, will afford the speediest and most effective solution of the matter.

Very Respectfully
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 6th 1866

Hon R W. Black,
Uvalde, Texas,

Dr Sir: Your letter of the 28th ult rec'd last mail. I have forwarded your original letter, with a communication of my own, enforcing your suggestions, through our Representatives, at Washington, to the Indian Dept, and asked for speedy action on the subject of the Kickapoos and other Indians referred to. I have asked that a commission be appointed at once to demand the captives and property these Indians have, and that they be at once removed, I have also stated that our people in self defence will be obliged to root them out if the Government does not take it in hand. I have also written to the Comd'g Officer of this Dist. to order the Comd'g Officer at Fort Clark to take them in hand at once.

I will thank you for all the information you can obtain in relation to these Indians. If the Government does not do something our own people will have to take it in hand. While we will abstain from any aggression upon a neighboring State, yet our safety will force action on our part if these marauding Savages

otherwise be reached.

Very Truly
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 7th 1866

Capt Durand
San Antonio Texas,

Dr Sir: Your favor of the 29th ult is received. I would be exceedingly glad to gratify you and the men of your company, by ordering you at once to the field, but besides the fact that the Genl Government is now placing a full Regt of Cavalry upon the frontier, from Fort Mason to the Rio Grande, and promises even more troops if necessary, there are other reasons which forbid my making the order I am well aware of the fact that the regular troops will not be as serviceable as our own rangers, but this is not to be expected. Yet if your men had an agreement among themselves, when the Indians come in to the County to take up the trail, and others act as guides, much more efficiency could be given to the regular troops.

I would advise by all means, that your organization be not broken up. Even if not in service, your being organized may at some future time be of service.

The aspect of our foreign affairs does not appear flattering. Should anything occur to move the U.S. troops away, I might have to make a call, in such event an organization already completed would be a great saving of time. But as a matter of course I cannot insist upon this, unless I could certainly promise service.

Very Respectfully
Your obt. Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 7th 1866

Maj Genl Griffin
Comdg Dist of Texas
Galveston —

Genl — There are nine pieces of Artillery here, manufactured by the State. I would most respectfully ask that these guns be restored to the State if not incompatible with the views of the General Government. I understand an order has been issued for the removal of the guns to the Coast, and presuming the Genl Government has no use for them, deem it proper to make this request. But if the Gov. desired to place them in position for immediate service as a matter of course do not wish to disarrange the arrangements by

making this request, and only do so because I presume it is a matter of indifference.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 7th 1866

Major Starr
Comdg Post
Austin, Texas

Major – I have learned that there is an order to remove the nine pieces of Artillery formerly the property of the State, now in the U S. arsenal in this City. I have opened a correspondence with Maj Genl Griffin on the subject of restoring these guns to the State, and would regard it as a favor (unless there are orders which would forbid interference) if you would permit no removal of them until the General can be heard from

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 7th 1866

Capt. R. le Perry,
Blanco, Texas.

Dr Sir: Your favor of 29th ult was received this morning. Every word of what you state I know to be true. But with the fact that the Government is now sending one full regiment of Cavalry to operate from Fort Mason to Clark and Inge, and promise more, if needed, I would not be justifiable in calling out the troops.

I have asked the Comdg Officer at Galveston, Genl Griffin, to scatter the troops so as to leave some of them at Fredericksburg, and cover the different Passes. Urging the propriety of dividing them so as to be more ~~likely to fall in~~ with the Indians when they come in.

Very Respectfully
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Dec 8th 1866

Joseph Dunlap
Council Grove, Kansas

Sir: Your favor giving information as to the return from captivity of Mrs. James Luster and others is before me

Iron as to Mrs Box and daughters, was received by yesterday's mail, for which I am obliged. Be pleased to have an exact account of expenses necessary to furnish Mrs. Luster clothing, and upon the account being presented and sworn to, with certificate given by Mrs Luster, that she received the articles mentioned, signed in the presence of two attesting witness, I will order it paid. The papers so sent, I could send draft on any house you would direct.

I will notify Mrs. Luster's people at once, also Mrs. Box's so they may send for them at once. Or if they are sent home, I will pay reasonable expenses. I have previously notified Mrs Box's people that she was at Leavenworth.

I will be your debtor for any further information you may send, as to other prisoners.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 8th 1866

Col Bishop
Decatur, Texas,

Dr Sir: This day I received information from Council Grove Indian Agency, Kansas, that Mrs. James Luster who was captured at the same time the Babb Boys were, made her escape from Kiowas, and was at that Agency. I have notified Mr Joseph Dunlap that I will pay him for clothes furnished her &c. Notify her friends so that they may go for her at once. I have also learned through the public prints that Mrs Box and daughters are at Leavenworth. Their friends should go for them at once. I will have paid any reasonable expenses properly proved up, incurred in bring them home, accounts sworn to and certified by the women (in presence of witness who subscribe under oath) that such expense was incurred in getting them home.

Your Truly
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 8th 1866

Hons. O.M. Roberts, et al
Washington D.C.

Gentlemen— I send you herewith a memorial adopted by our Legislature to the President of the United States, petitioning for the release of the Hon. Jefferson Davis, late President of the Confederate States. It is needless for me to enlarge upon what is so well said in the memorial, the justness of the sentiments therein uttered, cannot fail to be appreciated by every

candid mind. As a matter of State Policy, and of Propriety I can but add my own testimony to that of the Committee. That no act of the General Government would promote in the South, so greatly good feeling towards the Union, or greater confidence in the generosity and justice of the Government than the unconditional release of Mr. Davis.

You will please hand the memorial to his Excellency the President, and request him to give to it his consideration

I am,

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 8th 1866

Capt. A. J. Gorrell
Denton, Texas,

Dr Sir: Yours of 26th ult with blank muster Roll, &c., was received by Saturdays mail.

Within a very short time now you or you will have eleven companies of regular troops at Jacksboro, which will be distributed on that line, with the promise of more troops if required. With nothing but State paper to purchase provisions, and with this number of troops on the upper frontier (and ten companies lower down) I would not be justifiable in ordering the State troops into the field. I desire however, if you can do so, that you will preserve your organization; as something may occur that will make it necessary to call out the State companies.

If you retain your organizations, I will forward commissions to the officers.

Yours Very Respectfully
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Dec 10th 1866

Maj Genl Griffin
Comdg Dist of Texas
Galveston,

General— On the 8th of Nov. last I wrote the Major Genl Comdg Dept. and forwarded to him copies of Indictments against Franklin Smith and Mr Stanley, (freedmen) ex-soldiers, for the murder of Mr Walker citizen of Victoria County, Texas. In answer to communication, I have received from Genl Sheridan an info of date Nov. 19th 1866 in, that the question had been referred to Texas.

Heinitzelman, with instructions to turn the soldiers over to the civil authorities or give such reasons as were proper why it should not be done. I would be pleased to hear from you concerning this matter.

Very Respectfully,
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 11th 1866

Maj Genl Griffin,
Comdg Dist of Texas,
Galveston —

Genl — Accompanying this I forward a communication for Genl Sheridan, which I deem proper for your perusal. In addition to what is there suggested, I have to ask, General, that as the immediate Commander of this Dist, you will aid me in procuring such disposition of the troops at an early moment as will give the surest and most speedy protection to the people of the frontier. My confidence in the Comdg Genl of the Dept, and the assurances from the War Dept, Genl Grant and the President, has caused me not to call out the force placed at my disposal by the Legislature. Any further loss of life and property and the capture of any more women and children, will be justly chargeable to me. Our people have suffered so much and so long, that I cannot, without being recreant to a high sense of duty, delay to call out the State troops, unless the regular troops are at once disposed of so as to give protection. The condition of the poor women and children who are now suffering tortures in captivity, far worse than death, reminds me that their wrongs and injuries, and the blood that has been so lavishly shed by the scalping knife, are not to be weighed in the scale against money, or a fondant desire to show respect towards the authorities of the Government whose duty it is to afford protection. I trust you will not misunderstand me as complaining, but simply urging a prompt and immediate action. I understand that the 6th Cavalry at this point is delayed in moving for the want of transportation. If this be true, and is the only reason why they do not move, there fault somewhere. I know the condition of the Country too well, and am too well acquainted with the resources of the Country too well and the movement of troops to be misled by such stories, and I trust there is some other cause for the delay than this excuse. —

Genl, I would most respectfully urge upon you to direct the employment of guides by the Comdg officers of posts, so that when the Indians are in the Country the troops will be better prepared to follow them. I cannot hope you will hard on me for presuming to make suggestions; that your goodness will attribute it to no officious disposition

my part, but simply to an ardent desire to contribute all in my power to make the protection of the frontier effectual.

Maj Gen'l, Sheridan, Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, Nov 11th 1866

Maj Genl Sheridan
Comdg Dept of the Gulf
New Orleans La

Sir: Our esteemed and late friend Maj Forsythe, on his return from the upper country, I am much pleased at the proposed distribution of the troops for the upper frontier. But as yet I am not informed whether any posts outside of Jacksboro will be established before Spring. I am so thoroughly impressed with the necessity of a post in Montague County, and one between Camp Cooper and Fort Mason that I feel it my imperative duty to ask you to have them established at once. It will cost no more to supply troops at the necessary points in dispute than if they remain at Jacksboro or Fort Mason.

Between Cooper and Mason the post should be either near the mouth of Pecan Bayou, or at old Camp Colorado, near St Annas Peak.

Major Forsythe's judgment about the posts, at mouth of Salim on Red River, in Montague County, and at Buffalo Springs, in Clay County, then at Belknap, and at Camp Cooper is certainly judicious, and if men are placed there this winter, will be very effective for protection. If no troops are to be put at these posts this winter, I would be greatly obliged for immediate information, as I fear that I have already delayed too long, in expecting the U.S. troops to be sent to such points as will secure protection.

I have the honor to inform you that about the 20th November the Indians made their appearance in Montague and Cook Counties in very considerable force and drove off a large number of horses. About the same time they appeared on the South-west frontier and penetrated through the Counties of Mason, Gillespie, Kendall Uvalde and Bandera, murdering several persons and taking off considerable stock. This last mentioned party were Kickapoos from Mexico, doubtless aided by Mescaleros and Lipans who also live on the Rio Grande, on the Mexican side. I trust vigorous efforts may be used to dislodge these Indians

Maj Genl, Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Tex

Executive Department
Austin, Texas, Dec 12th 1866

To His Excellency
Governor of Illinois,

Sir: In behalf of the relatives of Robt. Jenkins a youth from this State who was captured during the war, and who afterwards committed theft in your State, and was sentenced to the Penitentiary; and in behalf of the young man himself, who, I feel assured committed the offence, in an effort to escape from the National authority, and not because of a wilful disposition to steal, I would most respectfully ask your Executive Clemency.

I trust, Sir, you will pardon the young man, and restore him to his afflicted family. I presume the facts of his case have already been made known to you by his relations.

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 12th 1866

Col Sledge,
Pittsburg Texas

Sir: I am endeavoring to organize the labor board, for the farming out of the surplus labor in the Penitentiary. The provisions of the law require the State to clothe, guard, and furnish an Agent and physician. The law leaves the rations to be furnished by the state or employers at option of the Board. I desire to so organize the system so as to make it effectual for the purposes intended and yet be no expense to the State.

I would be glad if you would suggest the amount you think Railroad Companies could pay for the labor, - they furnishing provision for the Convicts and guard (say about 18 guards, besides Agent, for every 100 Convicts) and the Companies hiring the labor to receive the Convicts at the Penitentiary, and be at the expense of getting them to the point of labor, but under the control of the State Agent and guard. I have addressed a similar communication to other gentlemen. My object is to ascertain whether or not the system can be organized, without loss to the State.

The payments for labor should be made by the Contractor monthly, so as to enable the State to meet the monthly expenses of guards, &c

Very Respectfully
J. W. Throckmorton
Gov of Texas

Note.— Copy to W. J. Hutchins, and A. M. Gentry.

Executive Department
Austin Texas Dec 12th 1866

W. L. Robards
Comptroller Pub Accounts
State of Texas,

Sir:

Upon presentation to you in proper form of the liabilities recognised by the act of the Legislature, incurred on account of the minute men ordered out by Provisional Governor A. J. Hamilton, you will audit the same. And as the act of the Legislature contemplates bonds of the State bearing 8% interest, and as there is but little probability of any more of this class of bonds being issued except sufficient to meet the demands of the minute companies, I would suggest the propriety of getting up the bonds necessary for this purpose here. If you think this suggestion prudent or practical please inform me of the manner of getting up the bonds.

Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 12th 1866

Col D. H. Jefferson,
Washington D.C.

Dr Sir: Your telegram of yesterday received, answered. I will write you soon on the subject of the European Bonds, and if the National troubles do not forbid, I think of appointing you the agent to go to London to arrange the matter. I shall advise with Swisher and know if he can go with you, as his testimony and presence are necessary.

If the Indian Dept will not do something for the Tonkaways and let them remain in Texas, I judge it will be better for the Dept to send some one to see them, and induce them to return to the agency near Arbuckle. I hope you will get them to act upon this subject at once. If the Dept will furnish a few thousand dollars for their support and relief, and instruct the Military Commander of this Dist to distribute such relief, and issue them rations I am willing to pay the agent I have appointed for them out of the appropriation by the State, made for the purpose. But if the Government will not do this, I would prefer that some one should be sent, or ordered directed to the Comdr of the Dist to take them at once to the Witchita Agency near Fort Arbuckle.

Get Dr Shirley appointed to that Agency if possible, and attend to the Tonkaway affair at once. Very Truly

J W Throckmorton
Gov of Tx.

Executive Department
Austin Texas Dec 12th 1866

Messrs. J. W. Fishburne &
W. McLe. Taylor,
Belton, Texas,

Gents — Your letter to Eddie Robinson was forwarded together with a communication from himself, in relation to the unfortunate occurrence at Belton, the murder of Lindley & son. I regret this exceedingly, the more especially, as your people had pledged themselves to sustain the law, and I had also in the fullest manner endorsed the pledges, so made by your people. I regret it not only on account of the stigma that it will place upon your people, but upon the whole state. Such acts of violence and disregard of law, will inevitably bring upon the country the quartering of soldiers in every section where such things occur. It paralyzes the efforts of the civil authorities in their attempt to prevent the placing of troops in those provinces of the state where peace and quiet should exist. Now the last, with the sincerest hope that my fellow citizens will endeavor to see that the laws are maintained, I shall still continue my efforts to have the civil officers to do their duty, and hope the military may not be sent to aid in the matter.

But I must urge upon the officers of your County, and ask the citizens to aid in it, to ferret out the offenders in the late transaction and have them brought to to justice. It is due to yourselves that no efforts should be spared to accomplish this. It matters not, even though Lindley and his son were bad men, and murderers, yet they are none the more so in the eye of the outraged laws, than those who murdered them.

I desire information as to the cause, if any is known, why the other persons mentioned were killed.

I trust gentlemen the efforts of your people to ascertain the perpetrators of the outrages will be such as to fully exculpate them from any complicity in the affair.

Very Respectfully
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin Texas, Dec 13th 1866

Wm Lee Esq.
Corsicana, Texas.

Sir: Your letter with copies of indictment, judgment &c. from Dist. Clerk's office of Henderson county, were received in due time. After mature consideration I do not conceive the case of Mr. T. M. Hearts, as presented in the record, one in which there should be Executive interference.

Very Respectfully
Your obt Svt.
J. W. Throckmorton

Executive Department
Austin Texas Dec 15th 1866

Hon A.H. French
El Paso Texas,

Sir: I have recently received two a memorial from the citizens of El Paso and Presidio, asking a grant from me, as the Executive of the State, to them, of certain lands. In answer, I have to state that under the laws of the State, I have no power to concede the grant as required. I have also been consulted on the subject by the Hon Mr. Garcia, Representative from the Dist. and have advised him of the manner in which the citizens may possibly be able to secure their interests in the premises.

If the land has no legal or valid location upon it, the parties may locate a certificate thereon and secure the land and salt water, desired. You can do this in the name of the County by purchasing a certificate I presume.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 15th 1866

Hon Hugh McCulloch,
Secty of the Treasury.
Washington, D.C.

Sir: Herewith I send you an act of the Legislature of this State authorizing the payment of the uncollected Taxes due from Texas to the General Government under the act of Congress imposing a tax upon land in the several States for the year

It is desirable that the Treasury Dept. of the Government furnish the authorities of this State at as early a period as convenient, the amount of Taxes collected from citizens of this State under the law referred to, and a statement showing the amount still due.

As there has been a dispute between the Commissioner Taxes for this State, Dr R. K. Smith, and Mr Coleman in relation to the validity of the acts of the latter, it is important the State authorities should know whether the collections made Mr Coleman will be credited to the State.

The records of the Executive and Comptrollers of this State show that there is in the Treasury of the U.S. by authority of the late Provisional Governor A.J. Hamm to the credit of this State, a large amount of Texas

rity 5 % Bonds

It is intended at once to make the necessary arrangements to proceed under the law of the State to the collection of the taxes unpaid to the Genl Government; therefore it will be a favor to learn at as early a moment as practicable the amount still due from the State, as well as the amount of penalty and interest, if any is to be added to the original sum due.

Very Respectfully
Your obt. Svt
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 14th 1866

Hon. Wm. Roberts &
Dk Epperson
Washington, D.C.

Gents — Accompanying this you will find Copy of communication this day addressed to Hon Secty of the Treasury in relation to our financial affairs. The importance of this matter to the State will readily occur to you. Be pleased to enlist the exertions of the entire delegation in procuring a recognition by the Treasury of the money collected by Coleman, as he has mysteriously disappeared, (dead I presume) it may be that no settlement of his accounts will be had. Dr Robt K. Smith, the head of the Board of Commissioners, insists that Coleman's collections were illegal, and I presume he will use every exertion to prevent a recognition of these disbursements, and unless the Dept sends some one not interested in the quarrel, and authorized an investigation of his books and papers, it will be a loss to those who have paid Coleman, or his Agents. Further, it is insisted here that all the penalties and interest will be collected. This should be authoritatively determined, and the State authorities informed by the proper officers of the Government as to the amount due &c.

Now that the Peabody Bonds are paid, I presume there will be no great difficulty in settling with Peabody and the other parties, and to strengthen us in that matter, I propose that you ascertain from the Secty of the Treasury if he will take an order from the authorities here, for the amount due the State from Peabody, Droege & Co., and whatever sum is collected, or as much as may be necessary, receive as an additional payment on our taxes. I mean by this, that the State will appoint an agent to settle and collect these funds, but to do so under an order to pay when collected, to the U.S. — or, our agent to act under the instructions of the Dept. My object is to make whatever is collected after paying expenses, go towards the payment of Taxes due from the State to the General Government, and at the same time, get the U.S. authorities to claim it and give them countenance and assistance in the collection.

If the Government would receive this amount from us as

municipal duties today, and would notify the parties who hold the bonds and proceeds, of the fact, there would be no trouble in the collection. And, if the parties were refractory, save the payment of them. The whole question being under its control. Therefore, you will see if such an arrangement can be made.

I am having prepared a full statement of this matter and expect to forward all the papers by the Atty Genl, Walton, to you, who will confer with you in relation thereto. In the mean time, ascertain and write me if the above suggestions can be made available.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 14th 1866

Messrs Roberts & Effinson,
Washington, D.C.

Gentlemen — By last mail, I wrote Mr. Effinson that we could not resist the payment of the Oliver bonds, but upon a more thorough examination of the military board papers, I find they owe us about $15 000. I enclose you a slip showing these a/cs Please to refer to my letter to the Secty of Treasury of which I notified you, and remind the Hon Secty of my protest against paying these bonds. If the Gov. authorities will refuse to pay these bonds, we are willing to settle fairly and liberally with Oliver & Bro. We owe them $10.000 or thereabouts, and they owe us $25.500.

Please to confer with R W Taylor, the Comptroller, on this subject.

Respectfully
J W Throckmorton
Gov of Texas

Executive Department
Austin, Dec 15th 1866

R. W. Taylor
Comptroller,
Washington, D.C.

Sir: Your favor of the 3rd inst. with copy of your communication of 30th Oct. last was rec'd by last mail and answered ask to refer you to my letter to the Hon Secty of the Trs of the Nov. 14th, in which I present the views of the State Government fully in regard to the Texas Indemnity Bonds.

In addition to what is there said, I desire to say that the Texas has never received one cent in consideration of this bond by white and Chiles. It is hoped that the Treasury Dept. of the U. S. pay no attention to the demand for payment made by the

The State of Texas is willing to settle with these parties on fair and liberal terms, but whatever is conceded for the sake of a settlement will not be because of any consideration over advanced to the State by White & Chiles. The Government of the U.S. can save the State from this loss, by refusing to pay, and thus forcing the parties to come to Austin and make a settlement.

In ~~addition~~ relation to the Olivier Bonds, I have to state that upon a careful inspection of their account with with the late military Board of Texas, they are found to be indebted to the State in the sum of, say $18,000 Therefore it is confidently expected the Government of the U.S. will not pay the twenty Indemnity Bonds, held by these parties. We say to them, Come here and settle with the State of Texas, and prove by vouchers, or in any just and fair manner that you are not in debt to the State, and the protest against the payment by the Government of these bonds, will be withdrawn.

Recent information shows that the Dept has paid the Peabody bonds (149) obtained through Swisher and Droege. Every confidence is entered that Mr Peabody will settle fairly with the State, which doubtless he would long since had it not been for the hindrances of Droege & Co The remainder of this lot of Bonds (the Swisher Bonds) 157 in number I trust the Government of the U.S. will not think of paying to any party except the State without her consent. It has never been contended by any party that Texas, ever received one cent for these 157 bonds, or the 149 Bonds sold to Peabody. The Atty Genl of Texas will shortly visit Washington City to confer fully with the Dept upon the subject of all these Bonds. In the mean time I confidently anticipate that the Government authorities will protect the interest of Texas.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Dec 15th 1866.

Messrs Burnett, Roberts & Efferson
Washington, D.C.

Gents – Since the letters of yesterday to yourselves, and to Hon Secty of Treasury, herewith accompanying, I have more maturely and throughly investigated the difficulties attending the recovery of our Bonds. Also the laws of the recent Legislature authorizing me to recover these bonds and use them in payment of our federal land tax. I will send you a bound copy of the laws in a few days. My power is ample to so use the Bonds, and I have full discretion in their recovery. But, as the proceeds of Peabody Bonds, now in Bank in England, and the 157 Bonds, in the hands of Droege & Co., and the White & Chiles Bonds amounting to over $157 000, and the Olivier (20) Bonds, will be sufficient

our taxes, I deem it proper to withdraw the proposition, as to paying the $61.000, towards the taxes that are now already past due in the Treasury of the U.S.

Therefore if the Secty of the Treasury will agree to accept the money in bank in England, the Orange Bonds, and the Olivier Bonds and the White & Childs Bonds, when collected, in payment of our taxes, after making fair settlements, such as we will consent to, I will make the transfer of all our right and title to them, with the condition that any overplus after paying expenses of settlement, and payment of taxes due from us, be paid back to Texas. See what success you can have in such negotiation. If the Government will take this matter in hands, or send its accounts we can get the parties to a settlement so soon as all the papers can be made out. Walton will visit you and the Dept. on this subject.

As a matter of course, it is not presumed the authorities will accept these claims of ours as payments for taxes, but my idea is to transfer our right and title to get the Government authority to aid in the settlement, and pay over amount collected, after paying expenses &c.

Very Respectfully,
Your obt Svt.
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Dec 17th 1866

General Sturgis
Comdg Post, Austin Texas,

Dr Sir: I have learned of some serious outrages perpetrated in the neighborhood of Prairie Lea, Caldwell Co. and if you can send a detachment of twenty men, under a prudent and discreet officer to assist the civil authorities and let them remain some time it will be of service in the execution of the laws of the State. Before sending them, I would like to confer with you on the subject, and would prefer that they go in within this week

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Dec 17th, 1866

Hon. County Judge
Gonzales County Texas,

Sir: I have learned incidentally you have a prisoner in your jail, confined for the offense by the name of Lucker.

I deem it proper to inform you that I am satisfied he is the same man charged with like offence, in Fannin County, Texas. He is also charged with high Crimes in the State of Miss, and was followed by citizens of that State to this, without warrants of arrest, but he managed to elude his pursuers.

I write you these facts in order that you may have your jailor and Sheriff vigilant in the discharge of their duty, so that he will not make his escape. He is, I presume, as unmitigated a scoundrel as lives. I trust you will be able to bring him to justice

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Dec 17th 1866

Col W. J. Hutchins
Houston, Texas,

Accompanying you will find letter from Atty Genl, in answer to yours of 12th inst to me.

In addition to what he has stated, I beg to add, that I think a suit by the State would have an unfavorable influence upon the Railroad interests of the State generally, and especially upon your enterprise. I am frank to say that I feel certain the best interests of your Road will be subserved by payment of the interests, now due under late laws, and leave the question of the warrants, and the rights of the Company to further legislation. The Legislature will doubtless consider this question in a liberal spirit, and I can conceive of greater inducement for such consideration than a prompt payment of all the back interest. When the Railroads pay up promptly under the late act, the Legislature will be much more apt to act liberally in the matter.

Under the operations of the law, I am seriously in doubt as to your chances of success. If so, you will handle these suggestions, and believe me, they are offered in the hope of adding prosperity and success to your project.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 18th 1866

Maj Genl Griffin,
Comdg Dist of Texas,
Galveston -

Genl: In the Dist Court of Grimes County, Richard Harris, a freedman, was indicted for an assault with intent to kill. He was in jail but made his escape to Harris County. The sheriff of that County is resisted in the execution of the warrant of arrest by the agent of the Freedmans Bureau, with U S soldiers. I have requested copies of the judicial papers in this case, and presume they will be sent you with this communication. I have most respectfully to request, Genl, that you will furnish the Sheriff of Harris County a sufficient force, to enable him to arrest the prisoner, or that you will cause him to be arrested and turned over to the civil authorities.

I trust, General, you will render the civil authorities such assistance as will enable them to enforce the laws.

I am, Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Dec 18th 1866.

Chas. B. Pearce
Dist atty, Waco Texas

Sir: Yours of the 15th inst received by last evening's mail. Accompanying this you will find the requisition for Brandson F. Gammon, upon the Governor of Arkansas. The space for the name of the party who is to go on is left blank, to be filled up by you, and when so done you will please notify the Secty of State of the fact. The object in thus leaving the blank is, that you may use proper caution in the selection of the party. You should be satisfied that the person selected will use all diligent means to accomplish the mission, and that when the party is arrested that he will be delivered to the proper authorities, and not to a mob. I presume you are satisfied on these points already in the selection you have made, and I am not acquainted with any fact that would indicate a contrary opinion. But have thought it prudent to call your attention to the necessity of considering the question carefully. I feel assured of your own prudence in the matter.

As to the funds to cover expenses, I have some doubt as to my authority to pay in advance, and would suggest, if it can be done, that the trip be made, then an account sworn to by the

person commissioned, be forwarded for my approval. But if you think it cannot be accomplished without, have the person whose name may be placed by you in the Commission to make out an account under oath as to what will be reasonable compensation, stating the distance to Little Rock, (meaning to see the Gov) thence to Fort Worth, his last place of deptl residence, and back to Waco &c, and I will order it paid by the Treasurer, but I must have the account before I can direct the auditing, pay, &c. I would suggest that 200$ currency will perhaps cover the expenses, but should subsequent facts actually develope more, I would allow a reasonable sum in addition.

I am much gratified to learn the success your exertions have met with in securing the offenders in King and Nash's case and trust the ring-leaders may be also secured. I desire you to use your best exertions in having brought to punishment the late violators of the law in the unfortunate occurrences in Bell and Coryell Counties. Such outbreaks of Mobocracy will destroy us, & bring upon every County in the State not only admin and disgrace, but will cause U.S. troops to be stationed in in every section of the country. If any means can be resorted to that will identify these parties, and you need any assistance from me, let me know. If the laws cannot be enforced without the assistance of the military in any part of your district, let me know, and I will not hesitate, however reluctant to acknowlage the necessity, to call on them for assistance.

Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 18th 1866

Hon J. W. R. Konnard,
Judge 7th Judicial District,
Houston, Texas

Sir: Your telegram of 15th inst informing me that your Bench Warrant could not be executed, in Harris Co., and that one Harris, a freedman, who had broke jail, was protected by the Freedman's Bureau of Houston, and that he resisted the Sheriff, &c. with U.S. soldiers, with the enquiry if I could cause the laws to be executed, was rec'd in due time and answered by me. I requested you to "certify the facts to Gen Griffin, - call on him for assistance, to aid you in the execution of the law." This morning I received another dispatch from you, in which you inform me, that to avoid conflict between the posse comitatus and U.S. forces, you had referred the matter to me as the Governor. You state that I refer the matter back to you, directing that you certify the facts to Genl Griffin - to call on him for aid &c. You say further, that you deem it not within the province of your official functions as a District Judge to make official

demands upon the military officers of the U.S. Government - that you leave such communications for the Executive - that you will suspend contact until I cause the laws to be executed.

In answer to these two communications, and in reply to the 1st question asked by you, "Can you cause the laws to be executed?" I have to say, that I shall use my utmost endeavors to have the laws executed, and trust in that effort I shall have the hearty and earnest co-operation of the Judicial Officers of the State Government, but feel that I shall entirely fail to have the laws executed if the judges refuse to hold the Courts when there happens to be a conflict of authority, arising out of the administration of the laws of Congress and of the State.

I have to thank you and most cordially approve your action in avoiding any conflict between the Posse Comitatus and soldiery - and it was in harmony with that very just view of matters that I requested you to certify the facts of the case (and I meant by that) a copy of the Indictment and Capias for the arrest of the Deft, with a statement from you of the interference of the Bureau) to Maj Genl Griffin, with the request that he aid the civil authorities to have the party arrested &c. As a matter of course I presumed you would inform Genl Griffin, or cause the Sheriff to do so, that the request came from the Executive.

I understand from the military authorities, and from the authorities at Washington, that the military are here for the purpose of assisting in the execution of the laws of this State, and I understand that it would not be deemed beyond the proper functions of a high Judicial Officer, acting under the advice and at the request of the Executive of the State, to call on the military for assistance. But be that as it may, I herewith enclose an open letter to Maj Genl Griffin, Comdg U.S. forces in this Dist, in which I inform him of the facts of this case. I will be very greatly obliged to you, if you will send copies of the Indictment and Warrant of arrest with the letter, also have the Sheriff to make a statement of the resistance he has met with. I trust Judge, you will not deny justice, and administration of the laws, to other needy applicants and sinners, simply because you cannot meet it out as expeditiously and properly as it should be, to Richard Harris. In referring this matter to Genl Griffin we may get no assistance. In such event, I will be obliged if you will notify me of the fact.

I deem it proper to inform you that I have labored incessantly to have these unpleasant conflicts of authority determined, so as to prevent them in future. Much progress has been made, and the question at my instance, and through the exertions of our delegation at Washington, is receiving due attention from the Government authorities. I presume the Courts will have to

determine the questions arising under the Freedmen's Bureau and civil rights Law. In the mean time your own good judgment and desire to preserve the quiet of the State will dictate prudence in all your actions - both as officers and as citizens.

I am very Respectfully Your obt Svt

J. W. Throckmorton

Gov of Texas.

Executive Department
Austin Dec 19th 1866

Judge of the County Court
Caldwell County

Sir: Information from various persons has convinced me of the necessity of asking from the military authorities assistance in maintaining the laws in the neighborhood of Prairie Lea in your County. I deem it just and proper that you should know that the detachment go there at my request, - not to take the administration of the law into their hands, but when called upon by the civil authorities to render such assistance as may be necessary to insure the arrest and trial of offenders. I need not remind you of how much the good people of Texas suffer on account of the occasional acts of lawlessness of bad & vicious men. I sincerely trust you will impress upon the civil authorities, and upon your fellow citizens, the necessity that exists for a rigid enforcement of the laws. It must be done.

I have requested Gen Sheridan to send an officer of prudence and discretion, in command of the troops sent down, and am assured by him that such an one will be sent.

Very Respectfully
Your obt Svt

J. W. Throckmorton

Gov of Texas.

Executive Department
Austin Texas Dec 19th 1866

Milton Stafford
U.S. Collector Texas
Galveston, Texas,

Sir: Your favor of Nov 15th with enclosures was referred by me to our members of Congress at Washington city, with the view of having the subject matter further acted upon by the Treasury Dept. By what construction of law the Court, Mr. Rawlins, can come to the conclusion that the Cotton Planter & producer shall pay the tax upon cotton not removed out of the disk where produced, is singular to me

As soon as I receive any information, it will be communicated to you.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Dec 19th 1866

Hon B. H. Epperson
Washington D.C.

Dr Sir. The inclosed papers will fully explain themselves. A controversy has arisen between the State of Texas, and the Internal Revenue Officers of the U.S., touching the propriety of the State paying the tax, levied on citizens and corporations who engage in the business of manufacturing &c.

The question was, during the administration of Prov. Gov Hamilton, referred to him, and the Prov. Atty Genl, decided that the State was not liable to the tax. The question again comes up, and Atty Genl Walton, concurs with the Prov. Atty Genl, that the State should not pay the tax.

The Revenue Officers insist upon the collection of the tax: under all the circumstances, and to avoid any further complications, I forward papers to you, and request, that you obtain from proper parties, the true rule, as practiced by the Government.

You will bear in mind, while submitting the question, that the State of Texas does not engage in the manufacturing business as a business, and for profit — but does so in the exercise of her authority as a State, — and selects this kind of hard labor, to punish her criminals.

Your early attention to this matter, will be a public service. I am,

Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 19th 1866

Hons. O. M. Roberts, D. G. Burnet &
B. H. Epperson
Washington D.C.

Gentlemen — Heretofore I have called your attention to the fact of an appropriation made by Congress to pay Texas for expenses incurred before the war, in defending the frontier. It is important, if it be possible to effect it, to have Congress renew this appropriation.

By referring thus to the old act, and getting a statement from the treasury that no part of the appropriation was ever drawn, perhaps they might revive it. They also owe us a large amount incurred in the same way, but which aint has not been adjusted the U.S. accounting officers, except in part. Perhaps by enquiring at the proper office you may ascertain the additional amt due, besides the amt appropriated, that has been audited, and also get that included in a new appropriation. If you deem it likely to avail any thing, I will have the remainder of this indebtedness properly arranged here and forward to you for settlement.

Very Respectfully, Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas, Dec 20th 1866

Messrs Roberts, Burnet & Epperson,
Washington, D.C.

Gentlemen— Enclosed I forward affidavits and statements of rents due citizens of Indianola, and damages inflicted upon them arising from occupation and destruction of their property, by the soldiers of the U.S army.

If the government will acknowledge these claims at all, I suppose it will be only after a commission appointed by the authorities have investigated and reported them. These unfortunate people have been seriously imposed upon, and under the Constitution are entitled to compensation. Please see what can be done in the way of bringing about a settlement of these matters. Should it be necessary to correspond with the parties address Mr. Henry Beaumont. Perhaps the parties should employ an agent and place the matter before the Court of Claims.

The property of S. M. Swanson and George Hancock, (loyal citizens during the war) of this place has been treated in like manner.

Very Respectfully

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas, Dec 20th 1866

Henry Beaumont
Indianola, Texas,

Sir: Your favor of 15th inst. with enclosures of accounts and affidavits and statement of rents of rents and damages due citizens of Indianola, from U.S, &c are to hand, and have been forwarded to our Senators and Representatives at Washington, with request to place the subject before the proper authorities and press a settlement. &

I have directed them, in the event of a necessity of direct correspondence with the parties to address you &c.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 21st 1866

Chief Freedman's Bureau
Galveston, Texas

Sir: Recently a freedman "Dick" for an assault with intent to commit murder, in Grimes County, was indicted, arrested, and, in default of giving bail, was imprisoned in the county jail of that County. He broke jail, and I am now officially informed by the Hon Jno Kennard, Judge of that Dist, that the agent of the Bureau for Harris County, with soldiers of the U.S. a. forcibly prevents the arrest by the Sheriff, of the Negro.

I most respectfully ask that you will give the necessary orders and require the Agent of that County, to turn this violator of the law over to the proper authorities of the Court.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas Dec 22 nd 1866

Maj General Griffin
Comd'g Dist of Texas,
Galveston,

General,— Some weeks since, a Capt Loring of the Freedman's Bureau in Seguine Guadalupe County, as he said by order of Genl Hermitzelman, arrested the Clerk of the Dist Court of that County, and forcibly took from him the records of the Court in certain cases— among others, one involving a Lt Moore of the army, who was indicted, with citizens of said County, for card playing, and like said citizens, was found guilty and fined. Moore refused to pay his fine, and he reported to the military as under arrest by civil authority &c. But I have no thought that either Moore or Loring reported the facts— out of this grew the order, by authority of which Loring seized and destroyed the papers and records of Moore's and some other papers, for which he was indicted by the jury then in session. Subsequently he was arrested by the Sheriff, under authority of this indictment, (and not by order of Judge Ireland as has been charged) and refusing to give bail in the sum of 500.

he was sent to jail. Notwithstanding several citizens offered to give the bail, he refused it. In this connection, I wish to call your attention to the following extract of a letter received from Hon Henry Stanbery, atty Genl. U.S., written in answer to the representations I had made to the President, in regard to the conflict of the civil and military authority in this State. The Atty Genl says, "Prompt consideration was given to them, and such orders have been issued to the military as will prevent the recurrence of collision between the military and civil jurisdiction in the State of Texas"

Also would refer you to orders from Hd Qrs. Army, at Washington of Oct. 17th /66, to Maj Genl Sheridan, in which the Genl in Chief declares the the President's Proclamation to supercede (nullify) Genl orders No 3 War Dept. Jany 12, and Genl Orders No 44, Hd Qrs of the Army, July 6th 1866. Also, specially call your attention to the following extract from order of Maj Genl Sheridan, of Nov 19th 1866, when he ordered Genl Heintzelman to turn over two colored soldiers who murdered a German, at Victoria. The extracts says, "All offences against the civil law must hereafter be tried by the civil authorities when required by them; when the offence is in addition a military one, it may be punished as such, in addition to the punishment by civil authority."

In view of these orders, I ask that you direct the Commanding officer at San Antonio, to return Capt. Craig to the civil authorities, at Seguin, from whom he was taken by force of arms.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department

Austin, Texas Dec. 22nd 1866

Hon. O M. Roberts

Washington, D.C.

Dr Sir. Your several favors up to the 9th inst. I am much your debtor for the promptness and kindness in attending to the several subjects of interests to this State, and the information you have given me concerning the same, and for the several city papers sent me. I regret extremely the bitter feeling manifested towards us by the majority in Congress, and cannot believe that so much hostility would be felt by men who are intelligent, and who doubtless wish to promote the harmony and prosperity of the whole Country, if they knew the real sentiment of our people and the true situation of affairs. I am astonished to see that anonymous letters, and news paper statements are paraded against us to prove that the spirit of rebellion still prevails among us, and that Union men and Northern people, and the poor freedmen, are not safe here. The National Congress, which is supposed to be composed to be com

posed of the most able and upright men of the Country ought not to condemn the people of so vast a section without better proofs than the one-sided statements so often referred to.

It is totally false that Northern men, or original union men who remained devoted to the Government through the war, are not safe here to go where they please alone. Such men are now in every portion of the State - traveling and doing business without let or hindrance. But it is true that some of our own people who are here, and others who are abroad, are constantly making this impression. Nor is it as stated by some, and by Genl Sheridan, in his report, that freedmen cannot get justice here in the Courts. I presume no intelligent man will believe that so many negroes as have been freed, would be exempt from the frailties of men, and be purely honest. It is the natural result of their sudden emancipation, that many become idle and vicious and resort to thefts. Many such cases have occurred, and it is a universal practice, and required by our laws, that the Judges shall appoint Counsel to defend, where deft. has none, and is too poor to employ. The Judges universally appoint the ablest Counsel.

In quite a number of instances the Courts, juries, bar and citizens, when freedmen have been convicted fairly under the law, have petitioned me for pardon, and when the offences have been such as I thought our old Statutes were too severe, I have granted their petition. You will remember our old Law made theft of any article of however small value, punishable by at least two years in the penitentiary. I have pardoned quite a number for theft, and one for the killing of another freedman. In the latter case the Judge (Overland) satisfied me it was right to do so.

Recently a young man of one of our best families was sentenced to the penitentiary for killing a freedman, when it was clear to my mind, he was in danger of losing his own life. It was no proof by freedmen that the deceased was advancing with a drawn butcher knife, yet under the Charge of the Court, as the young man was attempting to arrest him to carry him before the Bureau Agent, (and had no such right) he was convicted. Freedmen can get justice in our Courts, and there is a general disposition among the people to protect them. Nevertheless it is true that there are lawless men among us who disregard the law, and not only injure freedmen some times without excuse, but also steal, rob and murder white people. But these are lawless characters, such as infest all communities, and from the reports of crimes committed in Northern States, I believe we are no more subject to these things than other communities considered loyal, civilized and Christianized. It ill behoves for others to pluck the beam from their own while they are gazing at the mote in ours.

I trust you will find it possible to remain at Washington. I am clearly of opinion all the Southern Representatives should be there, and I am ~~clearly~~ still more clearly convinced that our Representatives should determine the course of policy our States should pursue. For one I am willing to adopt any course you all may suggest. You are on the ground – you know the full extent of the trouble, and can form more just and correct conclusions than those of us so remote from the great centre of action. I trust you may have a full attendance of all the Southern members and that you will unite, at the proper time, in an address to the Southern people.

It matters not with me what policy Congress may adopt, I shall not despair of our country. They may territorialize us and disfranchise the great body of the people, and force upon us as Rulers, men who are odious and who have no claims to respect from the people, whom they seek to degrade and outrage, yet the time will come for reaction, when the great heart of the American people will do our section justice. The more severe and extreme the measures adopted, the more speedy and ~~sure~~ certain the reaction.

I am, myself, for obedience to all laws passed and recognised by the constituted authorities, and however unjust or invidious, shall advise their observance. I believe such to be the sentiment of our people. I believe there is a determination among our people to obey the laws, and to show our Northern countrymen that there is no rebellion here, but on the other hand a spirit of fidelity to the Constitution and laws that entitles us to respect and consideration.

For matters of business I refer you to a joint letter this day written to yourself and Mr Epperson.

With every hope for your health, and that we may yet live to see our country united, happy and mutual esteem in every section of it, I have the honor to be,

Your obt Svt

J W Throckmorton

Gov of Texas.

P.S. – Yours of 12th & 13th received this morning: 1st Stipulation of Indian Treaty – Return prisoners. 2nd Stipulate to give up Indians for any murders committed in future to be hung; and if Rescues are carried off the same penalty. 4th Not to cross Prairie Dog or Red River, to the South at all. When they do to be regarded as hostile. It would be well to confine them between the Red fork of Arkansas and Prairie Dog River, and the leased Indian Country on the East, and Pecos, on the West. This gives very large area of territory. 5th They should render satisfaction for violations of late treaty (Oct. 1865). 6th In return Govmt should stipulate for licensed traders to have post on the confines of their territory; an agency should be made for them, or attach them to the Witchita agency. 7. A moderate amount of annual presents.

When such other stipulations for the enforcement of the as may be deemed adequate.

J.

Executive Department
Austin, Texas, Dec. 23rd 1866

Hons. O. M. Roberts & B. H. Epperson,
Washington D.C.

Gents: Yours of 9th, 10th, and 11th inst all received. For which I am greatly your debtor. I am much pleased with the account you give me of the Commissioner of Indian affairs. I am satisfied his judgment as to Indian affairs is correct. Like himself, my early raising was in their neighborhood. I know exactly the influences of the military and the missionaries among them. I would be glad to enlarge upon this subject, but Sunday as it is, I have been at work all day alone in my room, endeavoring to get up with business that is pressing me. Therefore, come at once to the points in your letter. There are 152 Tonkawas all told - about 47 men and boys nearly grown - but few children under 5 yrs of old.

At present they are camped in the vicinity of Austin. U.S. Commissariat furnishing them with rations of bread and beef. I desire the Comm. will send his agent forthwith. The Indians should be sent to some place as a home as soon as possible. If the Government will furnish them I will secure them a home, either in the vicinity of Fort Belknap or Camp Cooper, where U.S. troops will be posted in the Spring, as I am informed by the military authority. I have appointed Mr Jno L Lovejoy, Sen. as agent for these people by authority of the State, but have withheld any instructions to him to move them, or do anything for them except furnish blankets and some clothing and cooking utensils, &c. I am exceedingly anxious to do something for them, or have the Government take them in charge. Mr Lovejoy is a very good man to take charge of them, and is very much interested in their welfare.

Dr John Shirley, whom I desire as the agent for the Witchita agency, lives at the Agency, near Fort Arbuckle, I. T. He has long been with these Indians, understands their language, manners and habits, thoroughly. He remained with them during the war. Never participated in the war. His Post office is Sherman, Texas. I am sure no better appointment can be made. I trust you will spare no pains to accomplish it. I speak of him from actual knowledge, acquired at the beginning of the war, while stationed at Fort Cobb, and subsequently while I was treating with the Indians. Texas is entitled to select this agent, as the peace of her frontier greatly depends upon that agency.

My heart is very much set upon a new treaty with the wild tribes, and if our Radical friends turn me out of office, I know of no greater good I can do for Texas or the Government than to effect this treaty. Besides a Commissioner from Texas, the Government should induce a few of the leading men of the Chickasaws, Choctaws, Creeks and Cherokees, and Seminoles to attend the Council. These people will make speeches

treaties, or should be included and specially named, in the Govt. Treaty.

There should be ample time set ahead, and runners should be sent from the Witchita Agency, and from the Arkansas Superintendency to the wild tribes, notifying them of the place appointed, and the time of meeting. The runners from the Witchita Agency should be specially sent to all the bands of the Comanches, to the Kiowas and to the Lipans. Instructions should be given that every band of these tribes should be visited. If it was thought proper by the Dept the Cheyennes and Arrhapahoes, might be invited also to attend. I do not think they depredate upon Texas, but they consort with the other tribes. The Council should be appointed for about the 20th of May or 1st of June, and should be held at the Eastern or Southern edge of the Witchita Mountains, not far from old Fort Cobb. Water and grass abundant, and about that time the Buffalo will be there on their travel North.

Recently I have written the Comr on the subject of a band of Kickapoos that are infesting our South-western border. They are lodged on the Mexican side, not far above Eagle Pass. By allowance get an order issued to the military to have them removed back to their home in Kansas. Just above them is a band of Muscaleros and Lipans who also depredate upon us, and upon the travel to El Paso. The military should have orders to rout them, even though they crop over to Mexico to accomplish it.

On the subject of the Pan Handle. It is well capacitated for a home for the wild tribes. As a proof of it, it has been their favorite resort for many years. It is penetrated by several considerable streams, the valleys of which are fertile and well supplied with water. The North Fork of Red River runs through it - many smaller lateral streams flowing into it. The South Canadian runs directly through it from East to West, and plenty of water along its valley. See report of ~~Committee~~ Company who surveyed the 35th parallel route for Railroad. The valleys of the Canadian afford the finest grazing, and it has been, for a great many years a winter resort for the wild tribes. Indeed the whole of the Pan Handle is well calculated for a home for these Indians. The false Washita has its extreme sources in it. Also the North Canadian thread along its Northern boundary. There is about fourteen 14 million acres included above or North of Prairie Dog River. It is the better situated, for this purpose, because it lies broadside and West of the territory, leased by the Genl Government from the Chickasaws for Indian purposes. This leased District is as good a country as there is on the Continent, it should be the locality where the various reservations ought to be selected for permanent, settled homes to be cultivated and used, and where villages should be laid out, for all the Comanches, Lipans Kiowa tribes, with perhaps the arrhapahoes and Cheyennes and then the Pan Handle country should be allotted to them

grazing and hunting purposes. There are many localities in the Pan Handle that will do well for reservations, but the further West you go from the 99 or 100 degree of Longitude the less rain, and further East, more, — so that for purposes of agriculture, sites should be selected about the Eastern base of the Witchita mountains. Almost the whole extent of the Pan Handle is good for grazing, and is a great Buffalo region. But Texas cannot part with this Territory for a song. Yet I believe it might be well for us to part with it for reasonable compensation, provided we could have a permanent settlement of our Indian difficulties. Let the Indians have a certain designated country with natural boundaries, such as important streams, sufficiently large to ensure them ample hunting and grazing grounds, and then confine them to that territory, and treat them as enemies wherever they are found outside of it, unless by permission of their agents, and then accompanied by a white man.

If a treaty is gotten up and it is any object to investigate this Pan Handle subject the Comm. could be instructed to explore that region.

I would advise you to consult Marcy's 35th parallel Railroad survey. Also the report of his boundary survey of this region. If you can find any public documents of his reports, on this subject, I would be glad to have them. Also the report of U. S. Commissioner (Emory I believe) who subsequently surveyed this and the New Mexican boundary.

I will try and find time to have you a correct map made and forwarded.

Yours Truly
J. W. Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 24th 1867.

B. H. Epperson Esq.

Sir: You have this day been appointed and commissioned as agent of the State of Texas, to proceed to England to recover possession of certain Bonds and Coupons, or the proceeds of any part thereof, belonging to said State, which are described in your Commission bearing this date, herewith handed to you. The history and present condition of these Bonds and Coupons, will appear clearly upon a careful examination of the accompanying documents, to-wit:

1st. The law under which the military Board acted, marked "Exhibit A"

2nd Instructions of the Military Board to Messrs. John W Swisher & Co., marked "Exhibit B."

3rd Receipt of Messrs. John W. Swisher & Co., for the Bonds on

other assets, marked, "Exhibit C"

4th The Contract entered into between John M. Swisher, on the one part, and Mr. Joseph Braunn, and Messrs Droege Oetting & Co. on the other, at Matamoras, on 25th April 1862, marked "Exhibit E."

5th The Contract entered into by and between Messrs Droege & Co and John M Swisher dated at Hamburg 6th Sept. 1862 marked "Exhibit D"

6th The letter of Messrs Droege & Co of Manchester, England, of 10th Oct. 1862 to Messrs John M Swisher & Co., marked "Exhibit F"

7th The relinquishment of John M Swisher & Co., to the State of Texas, marked "G."

8th The affidavit of John M Swisher, dated at Galveston, 26th March, 1866, marked "H" &

9th Messrs Loyd, Entwisle & Co's account current with John M Swisher, marked "I."

It has been seen that John M Swisher & Co., received from the State 300 of the 5% Indemnity Bonds of the United States, of the denomination of $1000 each, with six Coupons for unmatured half yearly interest of 25$ attached to each, making in the aggregate three hundred and forty-five thousand dollars. That Mr Swisher proceeded to Matamoras, and there contracted with Messrs Droege, Oetting & Co for the sale of the Bonds through some one of their houses in Europe. That Messrs Droege & Co of Manchester, England, undertook to negotiate the Bonds. That before putting them upon the market, one Coupon was detached, from each of the bonds, being the July installment for 1862. That the bonds were then offered, and 149 of them taken Messrs George Peabody & Co., of London, in three several lots of 20, 50 and 79, respectively, on the 25th and 28th June and 5th July 1862, at the rate of 77½ % and 4/4 to the american dollars amounting in the aggregate to £25.981. 17/6 which sum being received by Messrs Droege & Co was on 1st August thereafter placed to the credit of John M Swisher in the Banking house of Messrs Loyd, Entwisle & Co., of Manchester, less brokers commissions of ¼ % on $149.000 - with £25 898.1/8. Mr Swisher then commenced ordering goods through Messrs Droege & Co., and likewise Mr. Braunn, who proceeded to France and Germany, drawing upon the fund to meet payments, and had thus drawn to the extent of £10.479- 4/9 when their further operations were arrested by a bill in Chancery, at the suit of Messrs George Peabody & Co, who took exceptions to the manner in which the bonds had been put upon them, and enjoined in the hands of Messrs Loyd Entwisle & Co, the remainder of the funds to the credit of Swisher £15.405. 10/4.

Thereupon Messrs Droege & Co, declined to go on with the orders which they had received from Mr Swisher, and required him to turn in to them the goods purchased by himself and Braunn on the Continent, which, Mr. Swisher says was done - See affidavit before mentioned, marked "H"

By reference to Mr Swisher's Bank account it will be seen he drew for £ 6.500, on the 9th August /62, for £1000 on 2d Sept /62 and £2.995, on the 8th of same month. These were the principal sums drawn from the deposit, and the first was paid to Droege & Co., as will be seen by reference to his account with that house; the other two amounting in the aggregate to £3.995, was paid out for goods purchased in France and Germany - the same which were, as he says, turned over to Droege & Co., The parties then made a new Contract, leaving in the hands of Messrs Droege & Co. and in the Bank together, according to Mr Swisher's statement, the whole of the nett proceeds of the 149 Bonds - £ sterling excepted - subject to the decision of the Chancery suit.

Mr Swisher likewise placed or left rather in the hands of Messrs Droege & Co., the remaining Bonds unsold, 157 in number, with five Coupons attached to each, partly to indemnify them in the possible losses incident to the Chancery suit, but chiefly to protect the Bonds against seizure and Confiscation by the United States. See Swisher's affidavit, marked "E" and Droege & Co. letter to Jno. W. Swisher & Co., marked "F."

By the terms of the new Contract - see Doc F. - Droege & Co. agreed to make upon a cargo of goods to be selected by Mr Swisher but to be shipped at their own risk, consigned to their Branch House at Matamoras, Mexico, and to be sold for their account; which upon the arrival of the goods Swisher should pay the full invoice price of the shipment and charges, either in money or Cotton. The goods were accordingly shipped, but for some reason Mr Swisher, it seems did not take them, and they were sold for account of Messrs Droege & Co. Mr Swisher has uniformly insisted that it was a private speculation of his own - that in that matter he did not act for the State, though he was willing to sell the goods to the State, and indeed expected to do so when he contracted for them. It is not very likely any prudent business house would have sold to him under the instructions which he had from the State unless they had an absolute guarantee that the proceeds of the goods would be forthcoming, or that the market to which they were sent, and the character of the goods offered ample inducements to make the adventure. That the latter was the controlling matter there can be no doubt, and there is just as little doubt that the goods sold for a handsome advance upon original cost and charges. Besides, when it is borne in mind that no account of sales or statement of any kind whatever has ever been rendered, either to the late Military Board or to the State, down even to this date in relation to said transaction, it is surprising to see the pertinacity with which the liability of the State for possible losses sustained by the shipper is insisted upon.

That the goods originally ordered through Droege as well as those purchased by himself and Brawner

contingent interest, and made a part of the adventure under the new Contract is quite likely, but inasmuch as the entire shipment was to be paid for in full on arrival at Matamoras, it still left in the hands of Droege & Co the whole sum drawn on Swisher from the proceeds of the 149 bonds. This, they deny emphatically. They aver in the most positive terms that the £6,500 paid them by Mr. Swisher on the 9th August 1862 is all that they ever received, either in money or goods, that the other sums drawn by Mr Swisher they are unable to account for. See their letter of 16th March 1866, addressed to the former agent of the State, marked "K."

The fact that the 149 Bonds purchased by Messrs Peabody & Co. have been paid at the national Treasury should greatly simplify the adjustment of matters between Messrs Droege & Co and the State of Texas. The gentlemen are now relieved from all apprehension, and from further costs and damages on account of the Chancery suit. While this reduces the sum which properly belonged to the State, by the amount of the discount at which the Bonds were sold, it lessens, at the same time, the charges which the State was expected to provide for, by, at least the amount of costs incurred, on the part of Messrs. Peabody & Co, and the difference of interest exacted by them upon the sum paid for the Bonds on the one hand, and that allowed by Messrs Lloyd, Entwistle & Co., upon the deposit, on the other.

A settlement now upon an equitable basis would leave the State in possession of a sum not very greatly below the amount which would have resulted from the terms offered prior to the payments of the 149 Bonds by the United States. The Bonds ceased to bear interest on 1st Janry 1865, while it is running upon the proceeds, though not at the same rate, to be sure, at least in respect to the amount in the hands of Messrs Lloyd Entwisle & Co. The rate proposed by them as will be seen by reference to their account with Mr Swisher is 2% for a portion of the time elapsed since the date of the deposit, and 2½% for the remainder. But it was intimated to the former agent of the State by Messrs Droege & Co that something better would be conceded - perhaps 3½%. The fact that the officers of the Bank offered to pay interest at all shows that the money has been used by them during the whole period - indeed that is admitted. But inasmuch as no order seems to have been made by the Court for the investment of the money pending the litigation, as is usual in such cases, the parties in whose hands it was enjoined feel themselves at liberty to fix the rate to suit themselves. In England the usual mode of disposing of money thus situated is to invest in the public funds by order of the Court which yield from 3 to 3½% per annum. The

under circumstances is as much as we can expect to receive upon the amount which which was enjoined in Bank. While a considerable amount is thus gained on the score of interest, the expenses have been reduced more than one half, by the abatement of the suit, which is the necessary result of the payment of the Bonds by the United States.

This of course releases the 151 Bonds, left with Messrs Droege & Co to indemnify them against loss, in defence of the Chancery proceeding, and it is presumed that they will at once be handed over when demanded by the proper authority. There can be no excuse for refusing to do so, for there is not even a pretence that they were pledged for any other purpose than that above stated. So also will Loyd, Entwisle & Co, pay to the proper authority the balance to the credit of Mr. Swisher, with interest thereon from the date of the deposit; unless they shall have paid it over to Messrs Droege & Co, as attys for Mr. Swisher. They had full notice of Mr. Swisher's release to the State however, and would make themselves liable to the State for the amount should they now pay to his order or attorney.

Assuming that the matters above mentioned will be settled without difficulty, delay or expense, you will have then to address yourself to the questions in issue between Messrs Droege & Co and John W Swisher & Co. It will be observed from the statements respectively of Messrs. Droege & Co and Mr. Swisher — page 5 — that a discrepancy of near twenty thousand dollars exists, touching the amount of assets which belonged to the State, and which were placed in the hands of Droege & Co, to abide the result of the Chancery suit. While this is so, Messrs Droege & Co, have kept in reserve the account of sales of goods which it is alleged were sent out to Matamoras for account and benefit of the State, and which may show when finally rendered a loss graduated according to the amount shown to have been placed in their hands. It would be well as the first step in your negotiations to draw from them a full statement of Swisher & Co's account including account sales of the goods shipped to Matamoras; you will be prepared to discuss with much less trouble and better results the several items which will come up for adjustment.

In addition to the sums already mentioned as having been placed in the hands of Droege & Co, there is $3000. — say 120 matured Coupons handed to them by Mr. Swisher, to pay insurance upon the Bonds from Matamoras to Europe, which they probably still have in hand. The insurance having been collected from the Military Board, and likewise commissions on the sale of the whole 300 Bonds by Messrs Droege & Co, of Matamoras. See the accounts of that house with the Military Board which accompany these instructions. The commissions charged contemplated the sale of the whole of the bonds, and was even then much in excess of the rate stipulated in t

contract which Mr. Swisher made, as will be seen by reference to document "E." Bankers' Comm. only were to be charged upon the Bonds actually sold, unless the proceeds should be invested in goods by the parties - shipped, received at Matamoras and forwarded by them. The over charge in this item alone, exclusive of of interest is £1.154. There is then a balance to Mr. Swisher's credit upon the books of Droege & Co, on a/c. See doc "7" last page.

It may happen that difficulties of a nature somewhat embarrasing will present themselves on account of the number of houses or firms connected with this business, but when it is known that the same person is, or was at the head of each of the houses at Hamburg, Manchester and Matamoras, viz: Wm Droege it really furnishes no excuse on the part of any one of those firms pretending ignorance of the acts or doings of the others in respect to matters in which all took an active part, and all had an interest. Indeed for the purpose of this statement it is idle to regard them as other than one house. Both the Hamburg and Manchester houses have closed their accounts with Mr. Swisher, and sent forward the respective balances to the Matamoras house, which has no longer an existence, though perhaps the members of the late firm are at Hamburg.

To sum up the several items in this last branch of the case, and with which you will have principally to deal, we have the following result:

August 9. 1862		Cash paid to Droege & Co	£ 6.500 — —
		Interest on same from date @ 5 %	
Sept. 6.	"	Invoice goods turned over to them by Swisher after institution of suit	3 975 — —
		Interest on same to date @ 5 %	
July 31.	"	Balance on Coupon fund	174-11-8
		Interest on same at 5 %	
Oct. 1.	"	Overcharge on sale of Bonds	1.154 — —
		Interest on same from date @ 5 %	
			£ 11.803 — 11 — 8

These items sum up £11.803 - 11 - 8 exclusive of interest, against which it is considered Messrs Droege & Co. are entitled to set off the amount expended for costs of suit and interest thereon, which down to the latest advices did not exceed £750 - exclusive of interest, though some items have perhaps been added since.

These are demands believed to be not only legitimate, on the part of the State, but imminently just, and you will therefore prefer them upon the consideration of Messrs Droege & Co. if be found impracticable to Messrs Droege & Co, to a settlement upon the basis indicated, the interests of the

would be best and proper, perhaps by a recommendation of the [illegible] Petition for transfer of [illegible] or part of bonds [illegible] set off against [illegible] on the part of Droege & Co. to the [illegible] incident to the defence of the Chancery Suit. Also they are very likely to set up a claim perhaps [illegible] unreasonable, that the sum of $3775 in dispute between them and the Swishers, if they persist in the statement heretofore made in regard to it, [illegible] be omitted from the settlement and left an open question between them and Swisher & Co. But [illegible] as Mr. Swisher [illegible] to his statement, Droege & Co. should by affidavit, or in some other manner furnish [illegible] evidence that the amount charged against them did not come into their hands. The transaction ought not to be closed without fixing the liability of some one for the amount. It is but reasonable to expect Messrs Droege & Co. to give an affidavit, then they and Messrs Swisher & Co. can settle the matter between themselves. If these items shall be yielded by the State, and their costs reimbursed, it is not seen upon what grounds the Messrs Droege & Co. can refuse to yield up to the State the assets in their hands. Though an examination of the correspondence of the former State agent discloses the fact that the solicitors of Messrs. Droege & Co. advised their clients under no circumstances to pay any portion of the money in their hands, or to hand over the Bonds in their possession to any authority except under a decree of the Chancery Court, and then to pay it into the Court. That otherwise they had no guarantee or protection, whether the said pending suit of Peabody vs. Droege be dismissed or not; and the same solicitors are employed by Messrs Lloyd, Entwisle & Co. and perhaps received the same advice. These facts are mentioned that you may be prepared to rebut such objections as may be raised by the parties on this branch of the subject.

Very Respectfully
Your obt Sevt
J W Throckmorton
Governor of Texas.

Executive Department
Austin Texas Dec 24th 1866

Capt. Sle Sloan,
Sub Asst. Comr. F. B.
Millican, Texas,

I have just received copy of your communication of 18th inst. to Dist Hd Qrs., also the reply to you and communication from A.A. Genl, A.A. M. Taylor, concerning murder of of Capt. Record, by David Randle. I trust before this reaches you that Randle will have been arrested. In all such cases I would suggest that any party knowing the facts of an offence, or having just ground to believe an offence has been committed, such persons make oath to the same, charging the offence &c, before a Magistrate &c., and in the event the Sheriff or other officer, charged with making the arrest needs assistance, that he call at once upon the military to aid in the matter.

Parties committing offences should be at once carried before some civil officer of the County where the offence was committed, for an examining trial. I shall endeavor to have all offenders brought to justice, and when the civil authorities are not sufficient, will not hesitate to call upon the military for assistance. I am determined to have the laws enforced.

If Randle is already arrested and has not been placed before the civil authorities for trial, let it be done at once, by sending for the County Atty, or by consulting the Chief Justice of the County where the offence was committed, you will be informed as to the proper course. An affidavit should be made charging the murder, and upon that the Magistrate will issue a warrant of arrest, and if he is in your hands or the military this warrant executed by the officer will be sufficient for you to turn him over. If he is still not arrested, this affidavit should be made by some one knowing the facts, or by one who has just grounds to believe the offence has been committed, and then placed in the hands of the civil officer for execution. The Sheriff or any other officer charged with this duty, will call upon the military for assistance if he deems it necessary. I trust the civil and military officers will act in harmony and aid mutually in the execution of the law.

Very Respectfully
Your obt Svt
J W Throckmorton
Governor

Executive Department
Austin, Texas Dec 26th 1866

Hon. Ashbel Smith
Atty. General
State of Texas

Sir: You will proceed to Galveston and confer with Messrs Ballinger & Jack upon the subject of a settlement of Mr. Hanson & Texas upon Droege & Co of Europe, touching a transaction between John M. Swisher, as agent of the late Military Board of Texas, and these parties involving 300 M.L. 5% Texas Indemnity Bonds and Coupons, the property of the State of Texas. Should you be able to effect a settlement with these parties concerning the entire question involved, you will do so, and take for your guide in the settlement the instructions herewith handed you for the Hon. B.H. Epperson; or if you can settle that portion of it exclusive of the 149 Bonds, purchased of these parties by Mr. Geo Peabody & Co, you are authorized to do so, keeping the general instructions referred to as a guide for the settlement of this branch of the question. If, upon your arrival at Galveston you find Messrs Ballinger & Jack are not prepared to make a settlement you will ascertain if they are likely to be authorized to make a conclusive settlement, and what time. In such event, you will notify this Department, and suggest, at what time, an Agent should be sent from Austin, to meet the Agent of Droege & Co at Galveston.

In the event you make a settlement at Galveston, or find that that part of it in which Droege & Co, are more directly concerned, can be settled at Galveston, then on your arrival at Washington, you will direct Mr. Epperson's attention especially to this part of the question, in order that he may fully understand the portion of the work, for him to do in Europe; viz: The collection of the money in bank, in England, the remainder unpaid of the proceeds arising from the sale of 149 bonds to Peabody & Co. You will bear in mind that it is desirable to transfer the settlement of the whole question to Galveston, if it can be done. In the event this arrangement can be effected by a reasonable time, it will be better for the interest of the State, as Mr. John M. Swisher will be there, whose testimony is important. You will also have Mr. Swisher to make out an account of his transactions, touching this whole subject, and state an account between the State of Texas and Droege & Co, and have made oath to the same.

You will advise this Department from Galveston of your success there. You are also charged with the collection of the balance due the State of Texas, on account of Bonds and Coupons, deposited by order of the late

Provisional Governor of Texas, in the Treasury of the U.S. amounting to, - say $61.000, or near that sum in specie.

Your papers furnished by the Comptroller's Department from Galveston, of your succ there. You are also charged with the collection of the balance due the State of Texas, on account of Bonds and Coupons deposited by order of the late Provisional Governor of Texas, in the Treasury of the U.S. amounting to, say

Your papers furnished by the Comptroller's Department will show the amount. It may be proper to invest the specie in legal tender notes of the Government, or if you can get drafts without loss to the State, it may be best. If you should bring the money, insure it.

Should Mr. Epperson go to Europe, you will deposit funds sufficient to cover his expenses, with Mr Swinson, or such other party as may be proper.

Accompanying this you you will find statement from Comptroller, as to an indebtedness of the U.S. to Texas for frontier defence, &c. Place the matter in hands of our Representatives and get them to pay the same; or if a law can be passed by Congress directing the Treasurer of the United States, to receive this as a credit for a portion of our taxes, it will answer the same purpose.

J W Throckmorton
Gov of Texas

Executive Department
Austin Texas Dec 26th 1866.

To the Hon Judges of the several
Judicial Dists of Texas.

Gentlemen - I must respectfully ask to call your attention to that part of your duty which requires you to fix the number of guards allowed Sheriffs in conducting convicts to the Penitentiary. The enormous expenditure to the State on this account induces me to address you on this subject. I would ~~would~~ ask that you reduce the number in all cases to the smallest number compatible with the public interest. The low condition of the finances of the State makes it incumbent upon all the officers of the State Government to aid in reducing expenditures as far as it can be done prudently.

I will be obliged if you will direct your attention especially to this subject, and keep the Sheriffs within due bounds

Very Respectfully
Your obt Svt
J W Throckmorton

Executive Department
Austin Texas, Dec 26th 1866

Judge Kinnard,
Houston, Texas,

Dr Sir: Enclosed I send you copy of Telegram received today from Secty of War in relation to interference of the Bureau in preventing the arrest of the freedman, escaped from Grimes County Jail. The Secty says "convicted" freedman. I advised the President that he was an indicted freedman escaped from jail &c

Be so good as to have copies of indictment, capias &c and statement of the facts sent to Hon Secty of War, as this agent may not state the truth &c Some time since I wrote to Chf of the Bureau at Galveston, and asked that the agent at Houston be required to turn the freedman over to the civil authorities. I trust you have had the agent indicted.

Respectfully Your obt Svt
J W Throckmorton
Governor

Executive Department
Austin Texas Dec 26th 1866

John L. Lovejoy, Esq.
Agent Tonkawa Indians
Denton, Texas

Dr Sir: You will report here for duty as soon after the 1st Jany 1867, as you can conveniently do so. I deem it proper to inform you that I have some assurances of assistance in the way of funds from the Indian Dept at Washington, and it will be advisable as soon as the funds reach this Dept to take immediate steps to provide a home &c for the Indians, and take such other steps as may be necessary to their wants.

Very Respectfully Your obt Svt
J W Throckmorton
Governor.

Executive Department
Austin, Texas, Dec 27th 1866

Hon Wm M. Walton
Atty Genl State of Texas
Galveston,

Dr Sir: Enclosed you will find your authority to act in settlement of claims of Texas, concerning U.S. 5% Loan Indemnity Bonds, and to collect and due Texas from U.S. for Bonds, now in Treasury at Washington.

2nd Joint authority to you and Mr Efferson concerning some business, and authority to memorialize Congress upon the subject of cancellation &c.

3rd Mr. Epperson's separate authority.

4th Gorman's certificate as to White & Chiles Bonds.

5th Comptrollers Certificate showing indebtedness of U.S. to Texas, for frontier defence &c.

6th Statement of Oliver & Bro's account, - with certified copy of original Article of settlement now on file among military Board papers showing their acknowledgement by their Agent that they held the 20 U.S Bonds & Coupons as property of the State, and that Texas owed them $10,000. This last paper found since you left. Notice that this settlement made by Weber shows that they owe Texas the Coupons as well as Bonds

I will forward by next mail to you at Washington certified copy of Pease and Palm's report. Certificate showing Sloan's transaction; also as to the four Pearce Bonds - as a matter of course expect these latter have been collected and do not much expect to make sufficient showing to prevent their payment. He received them as his salary, when he was only entitled to State warrants.

Since you left have received a letter from Epperson in which he says the Secty of Treasury will not wait but a few days. I telegraphed Treasurer that you are en route to see him &c. Therefore do not delay, but go ahead. Very Respectfully

J W Throckmorton
Governor.

Executive Department
Austin, Texas Dec 28th 1866

Milton Stapp
Col. 1st Dist Texas,
Galveston,

Sir: Your favor of 21st received by last mail. I presume before this reaches you, you will have received mine informing you that I had referred the whole question to Secty of Treasury at Washington and hoped to have a satisfactory adjustment of the matter.

I am much obliged for your kindness and courtesy in calling my attention to the subject, and trust the question will settled to our mutual satisfaction in due time, - feeling assured your simply desire to discharge your duty - and wishing on my part, that the State shall do whatever the law requires. Should I learn anything you shall be advised. Respectfully

J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 5th 1916

Hon. Lewis E. Hughes, Paris, Tex. Sir and Bro—
Fornacitis, Texas.

Gentlemen— Your petition in behalf of Lee Gray convicted of theft at fall term of your district Court came to hand this morning. Before acting upon application of the nature, I must have copy of indictment and judgment and complete statement of facts. The effect of this act is to pardon, and it not state the age. In granting pardons I have uniformly required the payment of all fees (bill of cost, clerks, sheriffs) and the Sheriff referred to— a statement of facts certified by an officer of Court to be going out, that the Court fee, that are to be paid by the State, have been deposited with the District Clerk, subject to the order of the State Comptroller, and I will which the fines not accrue.

Very Respectfully Your obt Svt
J. N. Hunkerton
Gov of Texas

Executive Department
Austin, Texas, Dec 5th 1916

J. Hagwood,
Comal Mrs Kansas

Sir: Your in relation to Mrs Sarah Roberts received. Her friends will be at once notified of her situation. I presume they will at once go for her. If friends do not go for her, I will notify you and give instructions.

Very Respectfully Yours obt Svt
J. N. Hunkerton
Gov of Texas

Executive Department
Austin, Texas, Dec 5th 1916

Geo. Bishop,
Lockhart, Mrs & Texas,

Dear Sir: I now just received receipt of a letter from Hagwood, Post Master at Greenville, Kansas, that Mrs. Sarah J. Roberts, (wife of William Roberts) is living at his house. Notify her friends at once, and change can first convenience, let me know if they should go for her.

Very Respectfully
Governor
J. N. Hunkerton
Gov of Texas

Executive Department
Austin, Dec 28th 1866

Hon B McCulloch
Washington D.C.

Dr Sir: Yours of 13th & 14th received, and from Judge Roberts of 17th — for all of which I am obliged to you both. In relation to Tonkawa Indians, I received dispatch from Genl. Bagby to purchase $2,000 worth of provisions, and that fifty pairs blankets, 4000 yds Linsey were on the way, and that he would write by mail. This is all very well. In relation to damages done property, rents due, and money due for supplies furnished, if you could get an order, or some direction from the Dept. and Genl in Chief, informing the people what steps to take, it is perhaps the best course. If they will give no such order to their officers to settle, or certify the facts for reference, to Washington, it is no use for the people to go to any trouble about it. But in addition, you should, if possible, get an order requiring, in future, no private property to be taken without proper contract for same and consent of party &c.

Very Respectfully
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Dec 28th 1866

Hon B McCulloch
Washington, D.C.

Dr Sir. At the surrender in the State Foundry at Austin, there were ten guns (Cannon) - 4 twelve pounds howitzers - 6 six pounds smooth bores - 22 limbers & 12 caissons, and two more guns at Eagle Pass, carried off, by Shelby's men. I have asked the military authorities of this Dist to restore these guns and attendant fixtures to the State. They are brass. But I received no answer. Will you be so good as to lay the matter before the property authority and ascertain if they will be returned to the State. I suppose these guns can be of no object to the Government. If the Government however will not return them I deem it proper to say that the manufacturers here Messrs. Allen & Griffith, hold a claim upon the State for a balance due them for their labor, amounting to $2043. If the Government takes the guns perhaps it will pay Messrs Allen & Griffith the amount.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Tex

Executive Department
Austin Texas Dec 30th 1866

Judge Jno R. Kennard,
Houston Texas,

Dr Sir: De Cosse represents at War Dept. Washington City, that Richard Harris (he calls him Perkins) has been badly treated &c. I send you copy of his dispatch to Washington. Please have made out without delay copies of indictment and copies of whatever other legal papers are connected with the case, and full statement of the facts and send one set of copies to War Dept., and one set to this office. With the papers sent to Washington, state that it is done by my direction.

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Dec 31st 1866

Messrs Efferson & Walton
Washington, D.C.

Gents— Enclosed I send you the case of Olivier & Bro, and Pearce, as taken from the books papers and records of the Military Board. Pearce retained four W. S. Swan Indemnity Bonds and Coupons for his salary &c. This he was not authorized to do. He was entitled to his salary in Confederate money or State Warrants, as other officers. If he will account to the State for the $1154, the protest can be withdrawn.

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas.

Jany 1867.

Executive Department
Austin Texas Jany 1st 1867.

To the Sheriff,
Victoria County Texas

Sir: I am notified by Maj Genl Griffin, Comdg Dist of Texas, that Capt Bradford Comdg Post of Victoria, has been ordered to hold Private Williams under arrest subject to the demand of the civil authorities under 33rd Article of War. If not already done, you will have the proper affidavit made charging the offence before a proper officer (unless indictment already found) and have Williams arrested, and proceeded with under the laws of this State. It is gratifying that the military are disposed to recognise the civil authority of the State, and manifest a desire to assist in the execution of the law. I trust such spirit will be properly appreciated by our people everywhere, and in this particular case, that the Deft. will have, as I have no doubt he will, an impartial trial.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas, Jany. 1st 1867.

Maj Genl Griffin,
Comdg Dist of Texas,

Genl – The communication of A. A. A. Genl A. H. M. Taylor of date 27th ult received. I am much gratified at the order sent to Capt. Bradford at Victoria, in Private Williams case. I have directed the necessary action by the civil authorities and have expressed the belief and hope to them that Private Williams will have a fair and impartial trial. Such evidences on the part of the Military to uphold and sustain the laws and respect the civil authority of the State will have the most beneficial influence. Allow me to thank you for the prompt attention given this subject.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Jany 1st 1867.

E.R. Walker
Sheriff Gonzales Co Texas,

Dr Sir: Yours of 28th Dec in relation to Lucker received. I never saw Lucker to know him, but know him by reputation "most infamously." He was followed from Trip for high crimes – I understood, for murder – Rape – Robbery. Enclosed I send you copy of Indictment and Capias for him from Tarrant. This you will consult with the Dist Atty and Judge about. If his conviction is certain for the offence committed in your County, I would judge it best to try him for that. In the meantime he might be arrested on these Rapes and the proper return made, showing his conviction, and term of sentence, and make the return accordingly, as that the Sheriff and officers of Tarrant could make proper continuances and requisition for him when his time is out. Or if by any means he should be acquitted, hold him until the officers of that County can come after him. But the Dist Atty and Judge can advise you better than myself on this. Do not let him escape justice. Please notify officers of Tarrant of the facts.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Jany 2nd 1867.

Chas B. Pearce,
Dist Atty, Waco, Texas

Dr. Sir: Enclosed the requisition on the Gov of Missouri for Gorman. Do not forget to fill the blank with the name of the party you send, and be sure to send to Secty of State, the name also, in order that he may fill the blank in the records of his office. You will use the Proclamation for the reward as you deem best, and can make copies and have them certified if necessary, or publish it.

I saw the Comptroller in regard to the payment of the reward for Graham, and he informs me that Mr Pearce, or some one duly authorized by him must sign the warrants on the Treasury, before the money can be drawn. A blank power of atty sent to any one here, whom Pearce may designate, will be sufficient. I should have thought to inform you of this before, but had too many things to think of.

Yours Respectfully
J W Throckmorton
Gov of Tex

Executive Department
Austin Tex. Jany 2nd 1867.

Hon B. H. Epperson
Washington, D.C.

This account of Sloan's should have been sent with the accounts previously forwarded. The Bonds herein mentioned (19 of them) Sloan says he mailed to Col W. S. Johnson to pay for medicines &c. Johnson imported for the State. Johnson never received them, and from information received, the package went to the Dead Letter office. Johnson's representatives have made enquiry for it, but could hear nothing of it, perhaps it was remailed to Sloan. If so, or if any other party has them the Government should not pay them. The State should receive them or they should be held subject to a settlement between Texas and Johnson's representatives

If Mr. Epperson is not in Washington, Judge L. D. Evans, will please file the account with the other papers forwarded by me to Secty of Treasury, through Maj Walton and Col Epperson.

Very Respectfully
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Jany 2nd 1867.

Col. Fleming
State Agent
Austin Texas,

You will observe the accompanying orders made out for Capt Hall, but which were not delivered to him, nor completed. You will please proceed under these orders, and ascertain any expense Capt Hall was at in removing the lead &c so that the account may be paid when the articles are sold. You will advertise the Engine and whatever belongs to it at the Gazette Office, to be sold with the foundry, foundry lot and building and Machinery &c. Advertise in State Gazette, San Antonio Herald, Waco Register, Houston Telegraph and Huntsville Item, once a week for four weeks. Sale to be for U.S. currency, paid down. Direct the proceeds to forward bills and pay out of proceeds of sale. Take such steps as you may deem advisable to make the property bring its full value, and incur necessary expenses to protect it.

J W Throckmorton
Governor

Executive Department
Austin Texas Dec 21st 1866

Capt. J. M. H. Hall, State Agent,

Sir: The reports made by you of Dec 10 Nov 20 & 7 & 6 are before me. The sale of the Copper was approved when reported, and you were directed, and did pay into the State Treasury the proceeds of the sale, less such allowed by the law for the collection, and getting together, &c. Until further orders you will not dispose of the lands.

The sale of the two parts of Ontonagon Mineral, you will complete. As soon as the models reported by Jas Ferrier are placed in your possession, you will dispose of them.

Ascertain what you can get for the debris. Any scraps of copper and brass, mixed metals, etc. here, away at a reasonable price here will be better than to ship as small a lot.

The two rolls of leather, the American powder, the Cotton cards, you will dispose of to the highest bidder for cash (currency). Take same course with the gun shellacs. You will also dispose of the gun caps that are on hand, at auction, or if you find they do not bring a reasonable price, you may delay the sale until a more favorable time. The leather, caps, shellacs, cartridges and things that were on hands and already collected, you will treat in the usual connection for sale, with any additional expense of moving to place of sale.

The arms in the Capitol you will have cleaned, repaired, divided into two lots. The best class will be retained for use of the State, the others will be sold to highest bidder, but before each sale and after they are cleaned and divided, I will examine them.

The machinery &c belonging to Cap foundary, you will put in as good condition as you can, and sell.

The lebock and dock at Foundary, you will sell on first favorable auction day.

The Engine and fixtures at Gazette Office should be refitted (I suppose it has) and you should enter into a contract for conveyance to the State at a reasonable price from the date of its execution until January 1867. At which time we will determine whether it shall be sold or not.

If the appropriation made for public buildings and Capital grounds are sufficient it will be desirable to raise the Engine and bring on the Artesian Well. The tubing should be placed under shelter.

J. W. Thurlington
Supt of Pub. Bldgs.

Executive Department
Austin Texas Jany 24th 1867.

Brit Brig Genl Stringfellow
Commdg U.S. Troops, Austin

General - Yours of yesterday received. You have my thanks for the attention you have given the Oliver matter. I cannot believe, Genl, that the ill feeling towards the soldiers exists among our people to the extent you suppose. Our people have much cause to fear outrages from the troops, and especially the black ones. I imagine if whisky was furnished it was through fear to offer any refusal. But doubtless there are men who do such things for gain, and others who do so because it is in their line, and without reflection. I am aware that in all these unpleasant affairs there are two sides to the question, and hasty conclusions should not be formed. Yet Genl, Capt Everett could not have discharged his duty in letting his men struggle and interrupt families along the route of his march. Much less can there be any justification of his permitting the men to hold as prisoners white citizens who had committed no offence. Although Mr. Oliver's statement to me does not show that his wife used insulting language towards the troops, still it may be so - but admit it. She is a woman, and anything she may have said, did not warrant them in presenting their bayonets at her, and the use of language that is a disgrace to the uniform they wear; nor could it be a justification of their arrest of Oliver's son, and making of Oliver fall into their ranks, when he was asking the officer. The language of the officer to Oliver, when he stated his case, shows anything but the high-toned conduct as usual among officers of the army, and such things are well calculated to produce ill feeling.

A mere change in the route of travel, in order to prevent a recurrence of breaches of the peace in a neighborhood where the soldiers might be impelled by their own desire to do so, or to avoid a consequent resentment of it by the persons already excited on account of such conduct, could not I apprehend, be construed into a doubt as to the right of the Government to march her troops anywhere. But as a matter of policy and propriety I think you are perhaps correct. The more especially if the officer will discharge his duty. I imagine you do not place much reliance in the statement of Capt Everett that knives and pistols were drawn on the soldiers, unless provocation was offered, or violence threatened. Very few persons could be foolhardy enough to do this to armed soldiers without cause, nor could any means of coercing to induce them to desert - cowardly, unsoldierly, nor regards was likely to prompt such a thing.

I do earnestly desire that the peace and quiet of all and soldiers shall be undisturbed, and that the soldiers of the Gov shall be treated with all proper and due respect. At the sa

time it affords me much pleasure, as well as gratification, to bear testimony to your exertions in this behalf, and I feel assured that the mutual, harmonious and respectful exertions of the military and civil authorities operating together will secure it.

I would ask, if you have any reason to believe, (as I have from Asst Surgeon Brown's statement to me, outside of other information) that Capt. Everett did not discharge his duty as an officer, on his late march, you will inform his superior officer of the facts. I would also be obliged for a copy of Oliver's Statement, made under oath, to you. With the assurance of respect and esteem I am, Genl,

Most Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Jany 4th 1867.

W. R. Cowan
County Judge
Lockhart Texas—

Sir: Your favor was received by the last mail, and after carefully reading it, I endorsed my wishes thereon and sent to Genl Sturgis, requesting him to have both the officer in charge and the men who insulted and maltreated Oliver's family arrested. Just as I concluded this Mr. Oliver came in. I address Genl Sturgis further on the subject and ask him to have the parties that Oliver could identify arrested and sent to your county for trial. This the Genl promised to do. But Mr. Oliver has concluded to drop the matter upon assurances of proper behavior by the officer and men on their return.

The officer complains that the men were frequently insulting on the route, and whisky furnished them repeatedly, and knives and pistols drawn on them &c. &c., and efforts made to induce soldiers to desert &c &c., all of which I cannot believe. I have requested Genl Sturgis to furnish the Comdg officer of this Captain of the negro company, a statement of his bad conduct &c on this march. I trust our people will have nothing to do with these troops on their return, and if any man in the community can so far forget his duty as a citizen, to furnish soldiers whisky in the present condition of the country, his neighbors ought to discountenance him and show him no respect whatever.

Statements have come to me of repeated outrages upon freedmen about Prairie Lea, and other bad acts, that induced me to request a company of troops to go there. You are aware that our enemies charge upon us, that we do not at-

tempt to protect the lives of freedmen, or those who were union men. I know these things are false and have sought every occasion to announce it. Yet while this is true, there are thoughtless and lawless men in the country who seek all pretexts possible to make trouble. The whole community have to bear the blame.

I would suggest that you get up a public meeting of the citizens of the neighborhood of Prairie Lea. Let them express a determination to see the laws executed &c and that they do not need the aid of Military. In such event I will ask the withdrawal of the troops. I know the presence of troops to be an eye-sore, and I know our people have suffered from them in many localities, yet I trust, under the discreet officer in charge of these, everything will go well. Public meetings by our people proclaiming their determination to aid the authorities in bringing offenders to punishment, will deter the reckless and be of service to us in showing the law-abiding disposition of the people.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Jany 5th 1867.

Hon John R. Kennard
Anderson, Texas.

Dr. Sir: Your favor of Dec 24th is just this moment received. I expect, judge, if I had been on the bench I would have adjourned Court as you did, though I am not sure that the dignity of the judicial crown required it, nor do I expect any portion of the people interested in the proceedings of the Court, except criminals, would agree, under all the circumstances, that it was proper. But be that as it may, I am satisfied in your position you were better able to judge correctly as to the propriety of such a course than myself, and, if there was seeming reflection in my letter of the 19th upon your course I ask you to attribute it more to the fact that it was to be even with you for your implied censure of my course than to a disapproval of yours. I only think you wrong in one thing, and that is, as to the propriety of your calling on the military for assistance. The humblest individual has a right to invoke their protection, every peace officer has the right to call in their aid in the enforcement of the law. It is their duty to response. You have the same authority that I have. But as a matter of propriety it comes properly from the Executive. But there are, or may be times, when delay would not be proper, and the civil officers should act at once directly.

You do me injustice, Judge, though perhaps not meant, when you speak of the length of time elapsing before an answer fr

from me to your Telegrams. I answered at the earliest moment after their delivery to me, that it was practicable – no time was lost. You do yourself injustice when you say that I did not inform you who and what Genl Griffin was &c. To save time my letter was sent by express or so ordered, as it would have delayed it a day to have waited for the mail.

I sent you telegrams from War Dept. of Dec 24, requiring DeGroff to report &c. Not knowing but you were in Houston still, I directed them to you there, care of Dist. Clerk. I hope you have received them. You will observe that Stanton and DeGroff use the word "Convicted" as coming from me. In my dispatch to the President I was explicit and used the words "indicted". I hope DeGroff's statement is false as to the bad treatment of Richard &c. as I have no doubt it is; and you will have a full and complete statement of the facts and legal papers forwarded to Secty of War, and copies to myself.

I have not heard a word from Genl Griffin or Kiddoo on the subject, though I wrote to both. I received copies of orders from Genl Griffin some days since in another case, requiring a Capt at Victoria to turn over a negro soldier to the civil authorities for trial, who had made a deadly assault upon a citizen, and stating that such cases were to be so disposed of under the 33rd article of War upon proper legal showing from the civil authorities.

Thanking you for the kind expressions of good will, and joining you heartily in your prayers for the success of just measures inaugurated for the protection of our people and the advancement of their happiness and prosperity, and assuring you of my respect and esteem and wishes for your success through life, I have the honor to be

Most Respectfully
Your obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin Jany 3rd 1866.

Col James H Hollanquist,
Gilmer, Upshur Co, Texas,

Sir: Enclosed you will find commission as State Engineer, which I tender you upon the recommendation of various gentlemen. I trust that it may be agreeable to you, and that you will accept of the same. I have directed the Secty State to forward you copy of the General and Special laws of the last session of the Legislature, from which you will learn the duties devolving upon you. The Legislature made no appropriation although the Salary was fixed. There are duties prescribed by the

act that should be attended to, but as no appropriation has been made to pay your salary or cover expenses of travel I shall not ask you to perform them unless something of much importance should demand it. Some of the services, such as inspecting completed works of incorporated companies that are entitled to lands, &c., from the State, are to be paid for by such companies. I think it quite likely that the Southern Pacific Pacific (Marshall) road will be making application soon, as I believe they have completed a section of their road since the surrender. During the year I think the Texas Central will make application. As you are convenient I would be glad if you could examine the S.P. and use the authority conferred by the law in regulating its speed and ascertain if completed in accordance with the laws. If they are ready to make application for lands, also make the necessary examination and ascertain if the law has been fully complied with to entitle them to the bonus &c. You will also take the oath required by the law and send Secty of State.

If you should be willing to undertake a compliance with the 3rd Sec. of late act at your own expense it is a work doubtless much needed, and I have no doubt the next Legislature will make the appropriation to pay your salary. But of this you must be your own judge, and, at the same time, take into consideration the probabilities of the overthrow of the State Governments South. My own judgement is that the chances are all against us, hardly one chance in a hundred in our favor. But by the time this reaches you or soon thereafter a better judgment can be formed.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas Jany 7th 1867.

M. W. Allen
University Land Agent
McKinney, Texas,

Sir: Enclosed find your commission as agent to sell University Lands. By this mail I forward also copy of late acts of the Legislature. You will conform to the laws on the subject, and in making selections for sale confine yourself as far as practicable to such lands as are in market, for instance those tracts that you may ascertain persons desire to purchase, or from their locality, you may know will sell. Where it is justifiable you can sell the lowest number of acres in a tract allowed by the law, in making selections for sales you should all the time have an eye to the increase of the value of those portions not sold. I think

it would be advisable to sell all tracts upon which there are improvements.

Your commission would have been forwarded before, but the original map of the lands, and parts heretofore sold, is lost, and the Commissioner is now engaged in ascertaining from the best description he can get here in compiling a map for you. I hope to bring with me when I start on Monday next. During which visit, I will see you in person and confer with you more fully. In the meantime, however, lest I should forget it, I wish you when you have selected lands for sale that you will forward me a statement of the number and size of the tracts and locality, perhaps a rough map of the leagues the lands may belong to &c. Any timbered lands that are likely to suffer, perhaps ought to be sold.

Your agency extends to all the University Lands North of the Trinity, and perhaps may be hereafter extended to those near the Porazos. I know your knowledge of these lands and your interest in the success of the University will justify my expectation that you will be industrious and discreet in conducting the business. I will be obliged for suggestions from time to time. It is desirable to sell first, those lands that will bring the best price.

Your attention is called to the 8th Sect of Act of Nov. 12th 1866 specially, as well as the remainder of that act. It will be a part of your duty to confer with County Surveyors, and take maps and plots from him. You will also when a surveyor does any work of this sort, when he sends up his field notes &c to Cont. Genl Land Office, have him to certify to his work and make out an a/c &c. I will instruct Capt Crosby to write you on this subject. The two appropriations, are on page 192 and on page 218.

You must preserve an accurate account of the time you are actually engaged in the duties of your agency.

I would suggest that you make a personal inspection of the lands, and inquiry before you advertise for sale.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin July 24 1866.

Hon W M Walton
Washington D.C.

Dr Sir: Your favor of 4th inst from Galveston, received to-day. In reply I have to say that you and Mr Epperson can judge best what course to pursue in regard

to the Peabody and Droege Bond matter. You and him consult and take such course as you think best. Perhaps the Peabody matter can be settled without Swisher. But I fear nothing can be successfully done without his presence. I presume Eppenson is in possession of information from Mr Swinson, touching what Peabody has received from the U. S. Treasury &c.

I received a letter from Hon Hugh McCulloch concerning our taxes &c. See him and know when we will be called on for our taxes - the amt. Collected and amt due. And know if we propose to pay the money yet due if they will receive it.

I suppose Royston will write you to look into the Dead Letter Office, and ascertain what became of the package that was addressed to M. S Johnson, and supposed to contain 19 or 20 U. S. Bonds. It is important to know what became of that package.

Perhaps Mr. Eppenson might get up a correspondence with the Droege House in England, and by the time Swisher could get ready to go to Europe, ascertain what they are willing to do and perhaps might learn enough to see he could get along without him. Nothing more occurs to me now.

Yours Very Truly
J. W. Throckmorton
Gov of Texas

Executive Department
Austin January 8th 1867.

Hon. Lewis V. Bogy
Comr Indian Affairs
Washington, D.C.

Sir: Yours of the 21st ult giving direction to make purchase of subsistence to amount of 2000$ for the Tonkawa Indians, and information as to orders on Messrs Bogy & Fry of St Louis, to ship via New Orleans and Galveston, 50 pcs blankets and 1000 yds linseys to me for use of said Indians, was received this day. As soon as the purchase of subsistence is made the accounts will be approved and forwarded as directed. I have also by this mail received bill of Shipment of the goods, from Messrs Bogy & Fry. As soon as the goods are received you will be notified.

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas

Executive Department
Austin Texas Jany 8th 1866

Maj Genl Kiddoo
Galveston Texas

Dr Sir: I was gratified to hear from you once more, through yours of 3rd inst, and still more gratified to learn you had returned to Texas, to continue your duties as the Head of the Bureau for this state. I had occasion to write to your office, and from frequent rumors and your absence, was not aware that you had returned for some time after your arrival. I beg to reciprocate the kindly expressions of your letter in regard to a desire to see the authorities of the State and General Government harmonize in the enforcement of the laws of the Nation and State. I assure you of my earnest desire to co-operate with you in the discharge of your duties, and shall on every occasion, aid you as far as I may be able, to have the laws of the Genl Government obeyed and respected; and that the lives and property of freedmen be fully protected. I will take it as a favor if you will inform me of any particular counties or localities where obstacles are thrown in the way. I will consider it my duty to use all power and influence I may possess to remedy the evil.

I shall regret exceedingly if it prove true that the freedman Richard Harris (Perkins) has been maltreated by the civil authorities of Grimes County; I must say I doubt the statement. I have however required a full statement to be made, together with all the legal papers, and directed that they be forwarded to Dept. of War. I have also called the attention of the Hon Secty of War, to the disrespectful language used by Maj De Grafe, towards the Executive of this State. I never informed the President, or any one that the freedman has been "Convicted," although the telegraph may have changed the word "confined" into that, before it reached its destination. But be that as it may, Maj De Grafe has been guilty of a violation of his duty as an officer of the army, and I trust his superior officer will see that he receives the treatment due him.

I incline to the opinion you are correct in regard to your conclusions as to the negroes drilling, yet I will be obliged if you will bear the subject in mind, and not fail to make enquiries that will elicit full information as to their disposition &c.

I shall leave the Capital in the morning, for the purpose of attending to my private affairs in the Northern part of the State, and expect to be absent some fifteen days.

I feel quite sure you will find that if those who are charged with the administration of the duties of the Bureau, under your direction were as prudent, and as much disposed as yourself to avoid unpleasant collisions, that they would not occur so often, and while I feel thus, I would by no means claim that the State officers are always blameless. Yet I trust the disposition manifested by you, and

my own determination in the same regard, may yet bring about a perfect and harmonious action. My earnest endeavors shall be in that direction. Very Respectfully

Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin, Texas, Jany 5th 1867.

E. D. Townsend
Apt Adjt Genl
Washington D.C.

Sir: Your dispatch touching de Graffenreid's report of the difficulty between himself and civil authorities of Houston, Texas, in connection with the freedman Richard Harris, was received and answered in due time. Your letter (duplicate of dispatch) received this day. I beg to call your attention to my dispatch sent to the President Dec 22 in relation to that affair:

"Executive Department
Austin Texas Dec 22 1866

To President Johnson
Washington, D.C.

Sir: A freedman indicted and convicted for a deadly assault, escaped. The Governor executed a pardon upon his re-arrest by the Sheriff. Is there any power

(Signed) J. W. Throckmorton
Governor of Texas

I trust you will call the attention of the Hon Sect of War to this dispatch in order that he may know. I did not use the word convicted. I would also call your attention to the other dispatch referred to by you from Maj De Grefe, and which I have seen published in the papers. Maj De Grefe says in that dispatch of Dec 26th "Governor Throckmorton's statement regarding the conviction of freedman Dick Parkins, is false."

In my intercourse with the authorities of the Genl Government I have endeavored to be as respectful and courteous as possible, and with pleasure acknowledge the same courteous treatment from the authorities, but in this instance of Maj Grefe. He seems to have forgotten, or not to have known, what was due from him as an officer of the U.S. army, to an Executive of one of the State Governments. I presume it is hardly necessary for me to request of the Hon. Sect War, that Maj De Grefe, be cashiered for his disrespectful language, under the fifth article of War. As to the fact by him concerning the treatment of the freedman by the authorities, I am not yet sufficiently informed to make a statement. But I have requested the Civil auth

County to send certified copies of all the papers and a sworn statement of the facts to the Dept of War in order that the truth may be known. I presume these papers will have reached you by the time of the reception of this communication.

I beg to assure the authorities of the Genl Government that while I shall endeavor faithfully to have executed the laws of this State, that I will at the same time endeavor to have fully observed the laws of the Genl Government, and will also render the most effectual assistance in my power to the authorities in giving proper protection to the lives and property of the freedmen.

Very Respectfully Your obt Svt.

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas June 9th 1867.

To the County Judge of _____ County,

Sir: I will regard it as a favor if you will furnish this Department a brief and accurate statement of the number of persons murdered in your County by Indians, during the last eighteen months - the number of persons carried into captivity, the number who have been reclaimed from captivity, the number of horses stolen and killed, and number of cattle known to have been driven off by them, with fair valuation of the stock so lost.

Be particular in giving names of persons killed or captured, and names of persons losing property.

Also, will be thankful for a statement as to all future occurrences of the kind; and history of the Indian raids, and name of tribe of Indians depredating, when known.

It is very important that I should know these facts, as many officers of the army seem to doubt the reality of the suffering on the frontier; and besides, these things should be put in shape to demand compensation from the General Government.

Very Respectfully
Your obt Svt

J W Throckmorton

Gov of Texas

Copies of the above sent to Atascosa, Bell, Bexar, Blanco, Bas que, Brown, Burnet, Coleman, Comal, Comanche, Cooke, Cottell, Denton, El Paso, Erath, Gillespie, Hamilton, Hays, Hidalgo, Hood, Jack, Johnson, Kendall, Kerr, Lampasas, Live Oak, McCulloch, Mason, Medina, Menard, Montague, Nueces, Palo Pinto, Parker, Refugio, San Patricio, San Saba, Starr, Stephens, Tarrant, Uvalde, Webb, Williamson, Wise, Young, Zapata.

Executive Department
Austin, Texas, Jany 28th 1867.

Maj Genl Griffin
Comdg Dist of Texas,
Galveston,

Genl — I have seen your published order assuming command of the Bureau of R. F. & A. L. for this State. Therefore inclose you copies of proceedings had in case of Dr. Jno. S. Bell at Waco, Texas, arrested by order of A. L. Manning, Capt. Comdg of the Bureau at that place.

You will observe that a citizen, Dr. Bell, was arrested and imprisoned by Capt. Manning, who refused to obey, or answer to the writ of Habeas Corpus, granted by Judge Harrison, of the District Court of this State. Another citizen Jno C. McCreary, was also arrested and imprisoned at the same time and similar proceedings were had as in the case herewith submitted. But I have deemed it unnecessary to send copies of both cases. These citizens are held without any authority of Law whatever, and not even a charge of any kind preferred against them, so far as has been made public.

I have carefully read the "Act to protect all persons in the United States in their Civil rights, and furnish the means of their vindication;" passed April 9th 1866. Also, "An act to continue in force, and to amend "An act to establish a Bureau for the relief of freedmen and refugees" and for other purposes," passed July 16th 1866. Also, the act to which this last is amendatory, kindly furnished me by Maj Genl Kiadoo, and in them, I can find no authority for thus seizing and imprisoning citizens without a warrant or writ directed from some competent authority. These are troublesome questions, and I beg to assure you, that I desire only to call your attention to the subject in order that a proper understanding may exist between the Federal and State authorities, and that in so doing, it is my earnest desire to shield no citizen who may have offended against the laws, Federal or State, from punishment, but, on the contrary, to aid in bringing all such persons to a prompt and speedy Trial. But whilst such is my desire, it is my bounden duty to protect the citizens of the State from wrong and oppression, as far as I am able.

The Freedman's Bureau act of March 3rd 1865, creates the Bureau which shall have "Control of all subjects relating to refugees and freedmen from rebel States" &c "under such rules and regulations, as may be prescribed by the head of the Bureau, and approved by the President." Under this Clause "rules and regulations" may have been adopted whereby the officers of the Bureau might make arrests of Citizens and imprison them indefinitely without charging them with any Crime or making known the cause for which they were arrested. But I presume no such rules have been adopted, or orders issued to such effect. Under the Civil Rights act of April 9th, the Circuit Courts can appoint Commissioners from time to time, and increase their number, "So as to afford a speedy and convenient ~~ex~~ for the arrest and examination of persons charged with a violation of this

and in sec. 5, Marshals and Deputy Marshalls of the U.S. are hereby & required to execute warrants of arrests issued by the Commissioners; and for the better to enable the Commissioners to discharge their duties, in conformity with the Constitution of the U.S. and the requirements of the act they are hereby authorized and empowered within their Counties respectively, to depute in writing under their hands "such able persons to execute all such warrants or process as may be given by them in the lawful performance of their duty."

The 3rd Sect. of the act clearly shows that the power to execute this law and the act of March 3rd 1863 was conferred upon the Dist. and Circuit Courts of the U.S. and in conformity with the laws of the U.S. so far as applicable, and where not applicable by the Statutes of the States, or common law, in force where offences might be committed. Prior to the cessation of hostilities, and up to the proclamation of the President declaring that peace was restored, the military might make arrests of citizens without legal process, under orders from the Com'der in Chief, but since the proclamation, it is respectfully suggested no such authority exists; and that in the particular cases in question it is submitted that Capt. Manning could have no authority for his action not contained in the acts of 1863 and 1864 above referred to; and in acting under these acts, his action must conform strictly and literally to them, and that where citizens are arrested under these acts the mantle of the Constitution and laws of the U.S. are thrown around them. The fourth article of the Amendments to the Constitution says "no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons, or things to be seized."

Article five says, "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service, in time of war or public danger," + + + "nor be deprived of life, liberty or property without due process of law."

Article sixth says, "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State," &c &c.

If Capt. Manning has acted under any of these laws referred to, he has certainly been remiss in the performance of his duty. That he did not answer to the writ fully, and show by by what authority, and upon what legal showing he deprived the parties of their liberty. I presume that having transcended his duty he was unable to make any showing whatever. If he has done so, I most respectfully ask that you take such steps in his case as the violation of his duty as an officer of the Government, in so grave and serious a matter, may demand. If, on the contrary, he was been acting

in pursuance of orders, derived from the laws, or from any rules and regulations of the Chief of the Bureau, approved by the President, I will regard it as a favor to be furnished with them. I deem it my duty to ask of you to release these men unless they are charged with an offence against the laws of the U.S., and in that case should they be so charged in the manner prescribed by law, then I request that they shall have an examination as contemplated by the Law and every facility to enable them to make a defence guaranteed by the Constitution and Laws to loyal citizens of the U.S. I would further ask ~~you~~ to assure you that if these men have committed any offence whereby any persons of color have suffered in person and property, if Capt. Manning, the freedman so injured or any other person, will make affidavit of the fact, and charge the offence before Judge Harrison, that he will fully and fairly administer the law. He will justly administer the law regardless of the consequences. The laws of the State are ample to protect the freedpeople in all their rights, and to punish those who infringe upon their rights of person or property. It affords me pleasure to inform you that the Courts of the State are executing the laws against white persons who wrong freedmen. I feel assured they will do it. Yet I know it is charged to the contrary. But my own knowledge of the facts warrant me in the assertion. It is nevertheless true, that in all cases the parties are not arrested - but as it is in regard to offences against white persons. I also feel constrained to add that in many cases where negroes have been convicted for offences under the old law that was applicable to white and black, the Courts and juries and people have joined in applications for pardon, and paid heavy costs and expenses to procure the pardons, many of which I have granted. Therefore, I trust you will receive with many grains of allowance the sweeping and indiscriminate charges made against the people of the State that they are cruel to the negroes and oppress them.

I am, General,

Very Respectfully
Your obt Svt -
J W Throckmorton
Gov of Texas

P.S. I have just returned to the Capital, after an absence of eighteen days. I find a number of communications from your Hd Qrs. which shall be answered at an early moment.

Executive Department
Austin Texas, Jany 28th 1867.

Maj Gen Sheridan
Comdg Dept of the Gulf
New Orleans, La,

Genl - Your favor of 18th inst, giving information as to the contemplated posts, etc. came to hand some days ago. I most heartily approve your selection of the points for the establishment of posts, and am quite satisfied the plan proposed by you, for conducting the defense of the frontier will prove efficient. I would call your attention however, to one point, which I think worthy of your serious consideration. That is, the long distance East and down Red River from Buffalo Springs that will be left unprotected. This is the most exposed part of the entire frontier - nearer to the Indian haunts, both winter and summer, and where more depredations have been committed, than at any other point. Buffalo Springs will form the North-east Corner of your frontier line - from that point the frontier line extends South and East. The most extensive raids, for numbers, ever made upon the border, have been made in Cook and Montague Counties, from fifty to seventy-five miles East of this point.

If your Military Dept extends North to the Canadian or the Arkansas, as it should by all means, your line of posts extended north from Buffalo Springs, to the Canadian, would effectually cover this section. And unquestionably it is the most important locality to guard, from the Arkansas to the Rio Grande. I have heard incidentally that old Fort Cobb is to be reestablished. Instead of establishing a post there, one should be placed further South and West, at the foot of the Witchita Mountains, on head of Beaver Creek, and one North on the Canadian, making a line from the Canadian Complete to Buffalo Springs, and placing the post equally distant between the Springs and the Canadian, thus establishing a complete chain between the Choctaw and Chickasaw Nation and Texas, and the wild Tribes. This would also relieve the necessity of a post at Fort Arbuckle which might be broken up. I trust your leisure will permit you to examine the maps as to the localities, in order that you may more clearly comprehend the proposition presented. In the event such policy cannot be carried out I hope you will leave the force at Jacksboro, or Belknap and make a post at Red River Station, in Montague County or lower down on Red River, thus guarding the angle and flank of your line. I think portions of infantry distributed, as proposed with the Cavalry force will be of much service, and always afford more men for duty, on distant scouts, and your policy of acting offensively and vigorously against the hostile Tribes is certainly the True one. Active operations of this character will teach the Indians very soon, that their safety will require an honest and faithful adherence to their treaties.

I most earnestly and Respectfully ask you to consider what I say in reply to that portion of your letter in which you s

there are more casualties occurring from outrages perpetrated upon Union men and freedmen in the interior of the State, than occurs from Indian depredations upon the frontier, - that the former greatly exceed the latter, and that they are induced by old rebellious sentiment.

Gene, this is truly a startling statement, and I exceedingly regret that you have been so unfavorably impressed with the general character of the people of Texas, and that your information should be so incorrect. I am frank to admit that many violations of law occur in the interior of Texas But that these things are the result of rebellious sentiment among the people, or that the outrages committed in consequence of this rebellious feeling, are far in excess of the Indian depredations upon the frontier, I most solemnly and emphatically deny. You have heard one side of the story. Perhaps if the people or authorities of Texas had been as persistent and mendacious in their version of these affairs to you, and your officers, as have been the howling crowd of cowing, lying scamps, who are doing everything in their power to produce alienation of feeling and make trouble between countrymen, you might not think so badly of us. I most positively assert that, of all the outrages occurring in Texas, since the surrender, but the fewest possible number have originated out of the feeling alluded to by you. Several occurrences have been reported to me of Union men having been outraged, &c, and upon the strictest investigation I have found the difficulties to have a different origin. Since the surrender many persons who left the State during the war have returned, and I have found many of this class who are creating trouble, and who report continually to the military, that they are oppressed &c, when in truth no such oppression exists, - and some of them for their outrages, perpetrated since their return, have met with pretty rough treatment. Again, it is not every man that was really so, I was a Union man, and opposed to secession, and was regarded as a leader of Union men, now who claims to be a Union man, until after the war began, and I knew the Union men of Texas. After I entered the army of the South, and until the close of the war, I protected the bona fide Union men and their families and property, and notwithstanding my opposition to secession and disunion, yet I felt it was proper to fight for the South. Still I never abused those of my old friends who did not so think, and I incurred risk and displeasure to protect them as far as I was able. I mention this simply that you may be apprised of the fact that my opportunities to know who were Union men and faithful to the cause in Texas, were good. I assure you Sir, that there numbers of men in Texas now who claim to have been good Union men, who were brawling, blatant secessionists, some of whom were anxious to hang me because I voted against secession in the Convention, and of my course to union men during the war. I know some of the veriest rogues and scoundrels, who, to protect themselves, have applied to the military, and asserted that they were in danger, because of their unionism, when in fact

unionism was never heard of until after the surrender. A recent instance has occurred in a neighboring County, where two men were murdered in jail by a mob;- the radical papers and letter writers assert that they were killed because of their unionism. To my personal knowledge, these men were thieves before the war, and at the very outset of the war were indicted for wholsale stealing, in quite a number of instances. It was in a County where I practised Law. They were not known or regarded as Unionists. They fled from that County and forfeited their bonds. After the war, they turned up pretended persecuted union men, in a distant part of the State. But not until it had been discovered that they were leaders of a notorious band of horse thieves.

It is true that a number of freedmen have been ill-used, and some murdered without cause or provocation. But this has resulted from a malicious and devilish wickedness of heart, and in some instances perhaps, from a feeling of disloyalty to the Government, but not often. And while this has occurred, the negroes are not always blameless. They too, are not immaculate,- many robberies, thefts, and quite a number of murders, have been committed by them. Suffer me to say, that of the robberies committed upon freedmen in Texas, a great number of them have been soldiers in your command, and others who have ~~done~~ been discharged or deserted from it. It is undoubtedly true that the negroes in the localities of the troops, are more afraid of imposition from the soldiers than from any other quarter. Many of the outrages that have occurred in Texas, have been perpetrated by deserters and discharged soldiers from the army of the U.S. A band of seventeen or eighteen, in one body, went to general robbing, and are now in the State Penitentiary. Another band of deserters from (3) Cavalry, went directly North through the State, from Waco, and committed every species of outrage. Other squads who were discharged, travelled through the State, on their way North, and took whatever they wanted,- sometimes representing a quarter-Master and Commissary and giving receipts, and in other places, taking by force.

And I regret to say the people have suffered to some extent by furnishing supplies to regular troops, and have received vouchers, but upon which the accounting officers refuse to pay. In one instance, I was witness to the transaction, and brought the voucher to Austin, and could get no pay, then forwarded it by an undoubted Union man, Robt R. Taylor, to Washington, and it was refused payment.

In addition to this the property of divers and sundry bona fide, faithful Union men (some of whom went North during the war) has been used as Storehouses and hospitals, and their grounds and woods despoiled, ever since the army come to the State, and all compensation is denied. Such is the case, not only here, but in every locality where the troops have been located. In some places, for instance, Indianola, great damage and oppression has been done, and peaceable families have been the sufferers.

Besides these things, the people of Texas had thrown upon

them, after the surrender, thousands of men, who had been driven from their homes, or who left them, during the war; many of whom had nothing to return to, and some perhaps, who had acted too badly to return. Then, doubtless, we had a good share of evil spirits of our own; therefore, it is not to be wondered at, Texas being a new frontier State, with Mexico on the South and West, the Indian Territories on the North, that violations of the law frequently occur. But with all these drawbacks, and heterogeneous mass of rascality in our midst, I flatter myself that Texas is not behind other older and more favored sections of the Union. The records of the Courts of New York, Illinois and Massachusetts, will exhibit no more inverting picture, than that presented in Texas. I regret as much as any one can, the lawlessness that has prevailed. I am exerting myself to overcome it; and sure I am, that very little of it occurs from disloyalty or rebellion. I trust upon a more perfect acquaintance with our people you will have a better opinion of them.

I sincerely trust your hope of visiting the capital of Texas may not be disappointed. I shall be gratified to meet you; and feel assured from the steps already taken by you, will give adequate protection to the frontier. I am happy to be able to say that since the troops have been placed on the frontier, an evident check has been given to the Indians. During the last light moon I have heard of but three raids - one in Montague County, where but a few horses were stolen, and two young men chased by the Indians - one down by old Camp Colorado, in which one Indian was killed by a citizen, - and one from the South-west. I am, General,

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin, Texas, Jany 29th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston -

General - I am in receipt of your favor of the 12th inst. enclosing extracts from the report of the Comdg Officer at Fort Clark giving an account of the breaking up of an Indian encampment on Mud Creek &c: Also your favor enclosing orders of Brit Bng Genl Heath in relation to movements and disposition of 4th Cavalry for frontier defence, and letter of 24th inst. reporting scout of a portion of the 1st Cavalry from Jacksboro, for all of which you have my thanks. The promptitude with which the troops are acting on the frontier has already produced a perceptible check upon the Indians. During the last light moon I have heard of but three raids. One in Montag County, at which time only a few horses were stolen, and two young m

were chased; one by the way of old Camp Colorado, in which the Indians lost one killed by a citizen, and were run out; - and on other raid further South, but of the latter I am not certain. I have asked for particulars, names, dates &c., and will furnish you copies of the reports I get.

Genl Heath's orders, I believe, will prove very efficient. If possible the troops should be supplied with the best guides the country can furnish. In connection with the subject of Indians on the Mexican Border and South-west frontier, I send you extract from letter of Hon R. H Black, who has used every facility afforded to ascertain the numbers, haunts and disposition of these Indians. Some time since I wrote to the Comr. of Indian Affairs, and suggested that an officer of the Army be authorized and instructed to make a treaty with these bands of Lipans, Muscaleros, Kickapoos and others, and that the Kickapoos be required to return to their own Country. I think this is the correct policy, and hope through Genl Sheridan you will try to effect it.

I incline to believe Mr. Black's suggestion that all the bands might be induced to emigrate with the Kickapoos is correct. It is worthy of trial. As long as these marauders remain in that locality much depredation and mischief will be done by Mexicans and bad white men on the credit of the Indians, while they will not fail to do their usual share.

Recently I have received a communication from Gen Sheridan, stating the points at which posts are to be established on the frontier. The selections seem to me to be very proper. Yet I ventured to suggest that if his Dept extended as far North as the Canadian or Arkansas, that the line should be continued from Buffalo Springs, and one post established at the Southern base of the Witchita Mountains (on head of Beaver Creek) and another on the Canadian. This would make the chain of posts complete. It would also obviate the necessity of continuing Fort Arbuckle and reestablishment of old Fort Cobb. In the event this cannot be done, I have urged the Genl to lessen the force that may be placed at Jacksboro and Belknap, and make a post at Red River Station, in Montague County, or lower down on Red River. This is most important, and unless this is done, the Indians will pass down North and East of Buffalo Springs, and continue their formidable raids on that section as heretofore.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Jany 29th 1867.

Hon Lewis V. Bogy,
Comr of Indian Affairs,
Washington, D.C.

Sir: Having heretofore called your attention to the bands of Kickapoos and other Indians sheltering on the West bank of the Rio Grande, in the vicinity of Eagle Pass, and above, and who are depredating upon the frontier of Texas, and presuming the Dept desires all the information concerning them that is reliable, I take the liberty of forwarding herewith copy of part of a letter from the Hon R. H. Black of this State, who was requested by me to ascertain their ascertain their disposition, locality, number and the prisoners among them.

Very recently the comdg officer of U.S. forces at Fort Clark attacked and broke up a band of these raiders while on one of their marauding expeditions. I approve of the suggestions of Mr. Black in regard to the removal of the Kickapoos and the probable chances of the others being induced to go with them.

My judgment is that some officer of the army should be authorized to act in conjunction with whomever may be sent by the Indian Dept to treat with these people, and such officer should be instructed to take the necessary steps to remove the Kickapoos to their old home.

Mr. Black is a very proper person, and I can commend him to your entire confidence, if you deem it proper to send some one to treat or see them. I trust it may be done at an early moment.

I am, Very Respectfully Your obt Svt

J. W. Throckmorton
Gov of Texas.

P.S.

I hope an effort will be made by the Dept to secure the return of the prisoners held by these Lipans and other Indians in Mexico. There are known to be several taken from Texas.

J.

Executive Department
Austin, Texas, Jany 30th 1867.

Hon Lewis V. Bogy
Comr Indian Affairs
Washington, D.C.

Sir: In addition to the information sent you yesterday concerning Kickapoo and other Indians, I have the honor also, to forward you the report Lt. M. Afferty U.S.A. made to Maj Genl Griffin upon

same subject, a copy of which has been kindly furnished me by the Comd'g officer of this military District.

I will be seen by Lt McCafferty's report that these Indians constitute quite a formidable body to be situated as they now are, with their determined and continued hostile intentions. Rendering it the more important that speedy measures should be adopted to remove them, or render their proximity harmless.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin, Texas, Janry 30th 1867.

Major Genl Griffin
Comd'g Dist of Texas,
Galveston,

General - Your communication of 21st inst. with enclosures, concerning the murder of Private Saml Ile orgus Co K 7th U S Cav troops in Calhoun County, by Heaze Taylor, and Joseph Clark, received. Herewith I enclose you copy of letter this day forwarded by me to the County Judge of Calhoun County upon this subject, and trust that I may be able to report hereafter that the parties have been arrested and punished.

I am very much obliged to the Comd'g Genl of the Dept for giving me information, and will regard it as a great favor to be furnished with any future complaints that may be made for outrages upon soldiers or citizens, white or black. I beg to assure you and the Maj Genl Comd'g that I will use every exertion to bring all offenders to punishment, and where I may find the civil authorities negligent, remiss or unable to enforce the law, I shall not be backward to ask your assistance.

Very Respectfully
Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin, Texas Janry 30th 1867.

Maj Genl Griffin,
Comd'g Dist of Texas,
Galveston -

General - Enclosed I send you petition of citizens of Coleman County, Texas, for establishment of U S Post at Camp Colorado. The statement of the memorialists

as to their situation and the importance of a post there is true. I have had occasion heretofore to urge the location of a post at this point, and have an assurance from the Maj Genl Comdg Dept that he desires to do so. I regard this point as one at which troops should be located at an early moment. My impression is that there are houses already built that would afford comfortable quarters with little repairs. In this however, I may be mistaken, as they may have been destroyed.

Very Respectfully, Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin Texas, Jany 30th 1867.

Maj Genl Griffin,
Comdg Dist of Texas,
Galveston -

General - In compliance with your request I take pleasure in forwarding to you a copy of the amended State Constitution and copy of laws of recent session of the Legislature, - with my Inaugural address and Messages to the Legislature. I would call your attention to one of the acts in regard to Lunatic Negroes. The apprentice law and labor law, &c. Our Lunatic asylum will be ready soon for the reception of a limited number of this class of patients. I would ask your especially attention to the labor law, and would enquire if any objection is entertained by you against contracts being made under it. You will also find a vagrant law. My recollection is that the apprentice law and vagrant law, are pretty much copied from the Massachusetts laws on these subjects, though in this I may not be correct.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin Jany 31st 1867.

Major Genl Griffin
Comdg District of Texas,
Galveston -

Genl - Your two communications of - 24 inst with enclosures, touching the murder of a freedman by one Cogwell in McLennan County, and the arrest and confinement in jail of Dr Bear and McCreary, and contemplated arrest of Dr Irving, for castration of a freed boy, is just received. I beg to express my thanks for being thus furnished by you with this information, and trust that the de

sition manifested by you to enable the civil authorities to show their willingness to discharge their duties will have the happiest effect. ——

——— I had the honor to address you on the subject of one of your letters, two or three days since. In which communication I stated that these parties, as far as I was enabled to learn, were held without any lawful authority. I have re-read with care the 14th Sect of the act of July 16th, and, with much deference to your judgement, and the highest respect for your opinion, I must say that I cannot see that that section of the law authorizes the arrest and imprisonment of citizens of the Country (after the Proclamation of Peace by the President) without first a Charge setting forth the offence made before a proper officer of the U.S. and thus a warrant of arrest from the same source. The more forcibly am I impressed with this conviction when I read the III sect of the civil rights act which gives the Federal Courts jurisdiction of this class of offences. It cannot be believed for a moment that any judge of a Court of the U.S. would refuse to discharge a prisoner, upon a writ of habeas Corpus, held in the manner that these parties are now held. But I would not be understood as intimating that your proceeding in this case is not in accordance with your orders, and understanding of your duty. And I must also add that I am ignorant of the rules and regulations adopted by the Head of the Bureau and approved by the President. Yet I apprehend they are adopted in conformity with the laws and Constitution. But, in all this as it may, I desire to assure you that if Capt Conn, Manning, or the freedman aggrieved, or any other party, will file a complaint as required by our laws before any Magistrate of McLennan County, that prompt measures will be at once taken to try these parties and inflict such punishment as the law provides. ——

——— I have written to Judge Harrison whose uprightness and efficiency as a judge, I can vouch for, to have the Dist Atty confer with the authorities of the Bureau at Waco, and to afford them of the readiness of the civil authorities to co-operate with them, and to enforce the law. I feel every confidence that if they are permitted the law will be faithfully administered. I have also advised Judge Harrison to institute inquiry concerning the murder of Mr Precarias by Cogwell and if it is as represented, to have proper complaint of charge of the offence made and furnished to me, with description of his person, and I will offer a reward for his apprehension. ——

——— I trust if not already done that you will direct complaint to be filed before the civil authorities in these cases, with instructions to them thereon upon demand by the Sheriff with proper warrants for their arrest, and I would most respectfully suggest that if the complaint is made of one of your agents of abuses upon freedmen that you direct them at once to have such parties go before a Magistrate and make oath to the charge who will then issue warrants of arrest and bring them to trial. Such proceed will give the civil authorities an opportunity to discharge their duties. Should they fail, very reason will exist why arrests should be made and trials under fed

I am Sir &c — J. M. Throckmorton Gov &c

February 1867.

Executive Department
Austin Feby 2nd 1867

Hon B H Epperson,
Washington, D.C.

Dr. Sir: Yesterday I received the following dispatch from Secty McCulloch:

"Washington, D.C. Jany 31st 1867.

Hon J W Throckmorton
Governor of Texas,

Have you authorized the agents of Texas in Washington to bring a personal suit against me on account of Texas Indemnity Bonds? If not, telegraph them to discontinue the same at once. (Signed) H. McCulloch
Secty Treasury."

I dispatched to you as follows:

Executive Department
Austin Texas, Feby 1st 1867.

Hon B H Epperson
No 368 East Street,
Washington, D.C.

If the Secty of the Treasury will withhold payment to the holders of Texas Indemnity bonds, until we can otherwise protect the interest of the State, do not see him. Show this to the Secty. (Signed) J W Throckmorton, Governor.

As a matter of course I did not understand from the Hon Secty's dispatch whether you were about to institute proceedings for the Texas Indemnity bonds, held by the Government, or for those held by private parties. I presumed the latter and dispatched you as I did. But the matter is confided to your care. I have every confidence in your judgment and discretion, and wish you to act as your own prudent and matured reflections may dictate as the best for Texas.

I would be sorry to embarrass the Secty or the administration, but it is my solemn duty to protect the interest of the State. If the Sec will withhold payment of our bonds to those rascally and dishonest holders, they will come to terms. Already offers have been made by third parties without using names, and we can arrange with them if the Secty does not pay them.

If the proceedings are contemplated on
placed by Gov. Hamilton in the U.S. Treas

-rangement can be made satisfactory without suit. But you have charge of the matter, whatever your action may be it will be approved.

Yours Truly
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Feby 7 1868.

Major Genl Griffin
Comdt Bu. R. F. & A.L.
Galveston, Texas.

General- Sundry copies of reports of such commissions of the Bureau, and other persons touching the treatment of freedmen by the whites, has been kindly furnished me from your Hd. Qrs. The information thus conveyed will enable the civil authorities to ferret out wrong doers, and will afford an opportunity to correct groundless or highly colored statements. While I am ready to acknowledge that many wanton wrongs are perpetrated upon the black people, yet I cannot but mention it as a singular fact that while it is notorious that the blacks themselves commit many wrongs and offer many provocations, still there is scarcely a mention of such occurrences, and it seems to be taken for granted that they are a guileless, inoffending and immaculate race.

I am obliged for the papers sent, and will thank you for copies of all similar ones. I will regard it as an especial duty to aid the officers of the Bureau in the ferreting out and punishment of all who violate or offend against this class of people. And while I do this I must ask that a too implicit confidence should not always be placed in the statement of negroes and even others; suggesting that in all cases that upon investigation, fair and impartial, a different state of facts may be found to exist from that first represented. In regard to the report from Prairie Lea, I have to say, when I received the petition, a copy of which was enclosed from your office, although it was not respectful in its language to me, as the Gov of Texas, and was really insulting in its insinuations against the President of the U. S., and was evidently penned with such feeling, yet I directly called upon the comdg. officer of this post and requested him to send a sufficient number of men to that place to afford all the protection needed. I also wrote to the civil authorities of that county that the troops had been sent there at my request, and would be there until the law was enforced by the authorities, with full instructions to ferret out the offenders complained of. Notwithstanding the troops had been sent immediately on request, yet they send off a copy of their petition to

as if they had received no attention. It is proper that I should say to you that this point, Prairie Lea is in a remote corner of the County distant from the County seat, and in that precinct one of the petitioners had been elected a Magistrate, and refused to qualify,- thus leaving his neighborhood without a civil officer,- and being the means himself of rendering the law powerless in his own community. If he had discharged his duty as a citizen, and qualified as an officer, he could have arrested and punished the first offenders, and prevented a repetition of the offence; or, if he felt that he needed assistance, he should have called upon the other officers of the County. By such course ~~officers of the County~~ these offenders could have been arrested, as it is I learn that as soon as the soldiers reached that neighborhood the rascals run off.

I am General Most Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, Feby 8th 1867.

Major General Griffin
Comd'g Dist of Texas, &
Capt. Comr. Bu R. F. & A. L.
Galveston-

Genl- Enclosed I forward you copy of the reply of Sub Asst Comr at Waco, to a request from the Counsel of Dr Bell and others, for copy of charges upon which the parties were arrested and imprisoned.

From your communication to me of the 28th ult. and the assurances given by me in answer thereto, I had indulged the hope that you would direct these parties to be turned over to the civil authorities after a specific charge alledging the offence had been made by the Sub Comr or other person. It will be seen by this reply of Capt. Manning that no charge of any offence has been made known to the parties arrested. Surely in this enlightened day it cannot be possible that an officer of the Government of the U. S., will by armed force arrest citizens and confine them in prison and not make known to them the charges upon which they are held. Much less can it be expected or believed that such officer will be upheld and sustained in such course. Capt. Manning's report to you does not mention the name of the party aggrieved, or the date of the transaction. I judge upon an investigation of the facts it will be found that the alledged offence, if committed at all, was committed long before the passage of the civil rights bill, and that the parties are punishable under the laws of the State.

May I ask early action on your part, as to your determination concerning these parties.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Feby 8th 1867.

Major Genl Griffin
Comdg Dist of Texas.
Galveston

Genl – Enclosed I send you copy of letter received from Chief Justice of Erath County – giving statement of recent Indian raid, and killing of two citizens on 25th ult. In addition to this information, I would add that I am satisfied that the Indians have not failed to make a raid every month into that section, say Erath, Pals Pinto, Lampasas, Comanche, and Counties adjoining. The post at Camp Colorado is much needed, and I trust you may be able to establish it at an early day.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas Feby 11th 1867.

Maj Genl Griffin
Comdg Dist of Texas &
Comr Bu. R.F. & A.L.
Galveston

Genl – Enclosed I forward you copy of communication from Dist Atty, Pearce, of Waco, in relation to reported attempt of mob to rescue Dr Bell & McLeary, and in relation to murder of freedman in that County, some time since.

I entertain no doubt of the entire truthfulness of the District Atty's statement, and that Maj Manning was entirely mistaken about the attempted rescue, and the Grand Jury, giving the murderer of the freedman information so as to escape.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Feby 11th 1867.

Maj Genl Griffin
Comdg Dist of Texas &
Comr Bro. R. F. and A.L.
Galveston,

Genl:- Your favor asking fifty copies of the Laws for use of your Bureau is received. It affords me pleasure to comply with your request. The books will be forwarded at once. Also a copy to Maj Genl Howard. Very Respectfully Your obt Svt

J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Feby 11th 1867

C. H. Hollinquist
State Eng. & Supt. P.W.
Gilmer, Texas,

Dr Sir: I have this day received a communication from Ingham S Roberts, vice President Texas & N O R R Co. asking an Engineer to inspect a section of that road preparatory to applying for certificates for land under State law. You will please repair at once to Houston, or the end of the road required to be examined, and make the examination and report required by law.

I am also in receipt of information requiring examination into the condition of Washington County Railroad and Texas Central. As soon as the first duty above mentioned is performed you will repair to the other roads and carry out the objects of the Law in regard to the roads mentioned. I send you copies of letters from both parties.

Very Respectfully Your obt Svt

J W Throckmorton
Gov of Texas.

P.S. If you should deem it important you can visit the Capital before entering upon the work, or you can go directly to end of the New Orleans and Texas Road, as you may think best. J W T.

Executive Department
Austin Texas Feby 11th 1867.

Hon L. V. Bogy
Comr of Indian Affairs
Washington, D.C.

Sir: As requested by you in your favor 27th Dec. last I have received and paid the freight on the three

ordered, for you and sent forward, for use of Southern Indians.
Received in good order and condition. 25 pcs 5 point Blankets
5 " 2½ " "
13 " 3 " "
1000 yds Blue Jean drilling
The amount of freight paid by the State, as per voucher herewith enclosed on the above is $1.89½ ab. Conway. Please forward account.
No bills on me in certificate of the Agent, John B Conjoy, the goods, under my direction, have been distributed among the Indians. I am now preparing to send these Indians to the North-west part of the State, in Jack County, where a home will be selected for them. After they reach that point contracts, or purchases of Corn and beef, will be made according to the instructions in your letter of Dec 23d, for their subsistance, which application will be made for the 2000 $ to pay for the same. Instead of giving them all corn or beef it will be cheaper and the amount go further, to divide it.
I am, Very Respectfully Your Obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Feby 14th 1867.

S. M. Swenson,
No. 26 Exchange Place,
New York,

Dr Sir: Yesterday I received your letter of Nov. Expressing action in bringing suit at Washington to stop payment by U.S. Treasury of the White and Miles, U.S. Separidemnity Bonds was approved by me, and requesting you to pay him $50, advanced by him to pay legal expenses, stamps, &c; and to draw upon me him for that amount. If Mr. Epphinson is not with you, please notify him of my approbation &c. Mr Walton, reached Austin to-day, and I am fully persuaded was no other way to protect the interest of Texas.
By yesterday's mail I received a letter from Dead Letter Office, written by one A Jas B Shaw in Galveston, last fall. I regretted much that Mr. Shaw did not get my letter. Perhaps Mr. Epphinson could find, Mr S. of service in England in looking into our Bond question, there.
I am under many obligations to you for many favors in the way of Nice Book papers, you have sent me. I read every thing no odds from what quarter it comes. I see that the Northern papers and people have a very inaccurate view of things here. We are not as bad by far as some of our own people represent us; and by no manner of means as bad as some and disloyal as we are believed by the Northern people to be. Notwithstanding crimes rights have as

everywhere else, yet there is scarcely a case resulting from rebellious sentiment. Many of the accounts you see are the most outrageous misrepresentations.

Very Truly Yours—
J W Throckmorton
Gov

Executive Department
Austin Texas Feby 15th 1867.

Brig. Genl. Oates,
Commdg Troops
Austin, Texas,

General— I have received information that satisfies me there is a body of hostile Indians encamped for the winter on the Middle Fork of the Concho. Recently a body of Indians have penetrated from that direction into Brown, Comanche and Erath Counties. In the latter, two persons were murdered by them. Also I learn of a party last week in Llano County, and report says a man was killed, and two Indians killed, by another man who was chased by them. Spies sent out by the frontier settlers report this body of the Indians on the middle fork of the Concho about forty miles above the junction with the main stream. Is it possible for the troops at Fort Mason, or other localities, to make a campaigne against these Indians? It is the best opportunity to give them a drubbing that will occur again soon. If possible for the troops to move, I entertain no doubt but this presents a most favorable opportunity for an effective blow to be given the savages.

On the head of the South Concho there is living a man by the name of Sankersley who would be a most excellent guide. I am informed by the frontier settlers that Sankersly is familiar with that whole country.

Very Respectfully Your Obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Feby 18th 1867.

S M Swenson
No 26 Exchange Place
New York,

Dr. Sir: In addition to the 55$ that I directed Mr. Epperson to draw on you for, to reimburse advances made by him on legal proceedings in Washington, I have also this day authorized him to draw on you for further sum of 250$— Two hundred & fifty dollars, to cover his expenses in the business of recovering Tax Indemnity Bond. Your orders for payment of these amounts will be honored him whenever they come to hand.

Yours Truly
J W Throckmorton
Gov of T.

Executive Department
Austin Texas Feby 18th 1867

Maj Genl Griffin
Comdg dist of Texas.
Galveston,

General—Herewith find copy of communication from County Judge of Calhoun County in response to your communication concerning the murder of a colored U. S. soldier. I will direct the Judge to make every exertion to learn the whereabouts of these parties, and have them arrested, if possible. Also will direct him to have the civil authorities call upon the Military if their assistance is needed. I would suggest further that if you can ascertain the locality of these parties I will direct the Sheriff of that County to go with any party you may order out to undertake their capture. I also send you letter from Judge of Caldwell County, as to matters there. I presume the condition of things are not so bad as has been represented. I understand for near two months past everything has been quiet

I am, Genl Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Feby 18th 1867

S M Swenson
No 26 Exchange Place
New York,

Pay to the order of B. H. Epperson two hundred and fifty (250$) dollars.
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Feby 18th 1867.

Hon E. M. Stanton
Secty of War
Washington D.C.

Sir: Enclosed you will find copies of the proceedings of the State Courts in the case of "Dick Perkins," the freedman who was "indicted and confined for an assault with intent to murder, and who escaped from jail and was protected from arrest by the Sheriff, by Maj De Graff of the Freedmans Bureau at Henrietta Texas. You will see from the inclosed papers that the assault was made as charged, that the negro was confined in jail, that his wound was properly attended to, that the judge would not permit him to go to Trial upon

his plea of guilty, that he was properly treated as a prisoner, that after his escape there was no necessity for Maj De Groff's interference with the due administration of the Law.

I am informed that the Bureau officers were so partial to, or lenient with, Dick Perkins that he has left their custody. Yet I will ask of you that the proper orders be issued to the military authorities of Texas to re-arrest him and turn him over to the civil authorities of Grimes County. Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin Texas Feby 18th 1867

Hon Hugh McCulloch,
Secty of the Treasury
Washington, D.C.

Sir: I am in receipt of a statement from Mr Hearland Deputy Comr of the U S Treasury, given to Hon B H Epperson, Jany 25th 1867, showing receipts from Texas, up to that date, for direct taxes, have only amounted to $130,008.06.

I am well satisfied that much more than this has been paid, by the people of this State. And I beg to suggest, if it is possible to do so, that you will appoint a special agent of the Treasury, whose duty it shall be to visit Texas and ascertain the amount of taxes that have actually been paid. I would do this through the collectors of taxes in the several counties of the State, by having each person who has paid the direct tax, to file his receipt with the Collector of his county. But unless this was examined by an agent or officer of the Treasury Dept the evidence thus obtained would not be satisfactory.

It appears to me to be absolutely necessary that such course should be taken in regard to the collections of Mr Coleman, as the Dept. have no returns from him, and I would urge an investigation into the acts of Dr Smith. He was furnished here an office for himself and clerks free of charge. I requested him to furnish the amount of his collections. This could easily have been done, but nothing satisfactory was ever furnished me. Mr Latimer's acts I feel assured are correct, and that he has made no collections exceeding that required by the instructions from the Dept. But I am not so well satisfied as to the others.

If any measure can be devised whereby the amount paid by the people of this State, can be ascertained, or if the Dept has any additional information on the subject, since the investigation of Mr. Hearland in Jany, I would regard it as a favor to be advised of the same.

Most Respectfully Your obt Svt

J W Throckmorton

Executive Department
Austin Texas Feby 19th 1867.

Hon Hugh McCulloch,
Secty of Treasury,
Washington, D.C.

Sir: With the view to the speedy liquidation of the unpaid direct Taxes due from the State of Texas to the Genl Government, I have the honor to submit for your consideration the following proposition, viz: That Texas pay over to the Genl Government sixty thousand dollars of the sixty one thousand dollars U.S. Texan Indemnity Bonds, now in your possession, and receive a credit for the value of the sixty thousand dollars, bonds, in U.S. Currency. I propose to leave one bond out, to be retained by you to cover expenses of the other business of State at Washington. I anticipate the sixty thousand dollars in specie would command eighty thousand dollars, or thereabouts, in currency. I also propose to transfer to the Genl Government the amount of money held by Lloyd, Entwistle & Co., of Manchester, England, being part of the proceeds of the sale of certain U.S. Texan Indemnity Bonds, purchased by Mr. Geo Peabody; and when the money is received by the Treasury Deptt a credit for the value thereof in U.S. Currency, to be given to Texas on account of her direct Taxes. This sum is about eighteen thousand pounds, of which Texas should perhaps pay about one thousand pounds, as her part of costs in suit instituted by Mr. Peabody.

I presume a Government agent, with a transfer from Texas for this amount, with authority to use one thousand pounds or so much thereof as may be necessary to pay costs, would find no difficulty in obtaining this money, as Messrs Drouge & Cutting have still under their control one hundred and fifty-one bonds, belonging to the State of Texas, out of which any claim, real ~~and~~ or pretended, they may have against the State, can be settled.

In addition to the foregoing, and in connection therewith, I further propose that upon a settlement of the claim of Texas against the Government of the U.S. for advances made by the State on account of frontier defense, and for which Congress made appropriations, (See acts of March 3rd 1859 ch. 83, and June 21st 1860, ch. 163) that Texas shall also receive a credit on her direct tax on account, for whatever amount of said claim may be audited and allowed by the accounting officers of the Genl Government. Should the several amounts, with the tax already paid, over-run the amount due, the overplus to be refunded, and should the sums realized, not meet what is due the State to pay the remainder.

As a matter of course it is not expected that any credit should be given the State, except the amount realized by the Government from the Proceeds of Bonds now in your hands, until the money is received from England, and until our vouche

for frontier defence have been adjusted and allowed by the accounting officers of the Genl Government. In relation to the money in England, Hon B. H. Epperson, can give all necessary information &c I feel assured an agent of the Genl Government, with full authority to control the interest of Texas, can obtain the funds referred to in England without trouble.

I will be pleased to hear from you at your earliest leisure, as I desire to know whether I should proceed at once to collect the remainder of the direct tax due, under our State law making it my duty to do so. If this proposition should relieve me of that necessity, it will afford our people great relief.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Feby 20th 1867.

Hon B. H. Epperson
No 54 William St.
Room 4 New York,

Dr Sir: In regard to your your compensation I have to say you must look for that out of whatever may be recovered. I have authorized you heretofore to draw on Mr Swenson for the $50, advance made by you, on the suit in Washington. The receipt came to hand to-day. So did the contract with Taylor, Brent and Merrick. I signed a contract as requested and forwarded to you - care of S.B. & W. at Washington.

I have also written to Mr Swenson to pay you 250$ for expenses &c. Herewith am order on him. Compensation for your services can be arranged hereafter and will be as liberal as the State can afford.

Very Truly
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, Feby 20th 1867.

Hon B. H. Epperson
No 54 William St.
Room 4 New York,

Dr. Sir: Your several favors of 8th inst received. In reply to the Olivier & Bro, bond matter, I telegraphed you not to make any agreement as to a deposite with a Trust Company until you heard further from me by mail. I am now having their entire transactions with the O. Delany Board gone to

with. I find a settlement of their agent made with the late Military board on 22nd Dec 1864. and in that settlement the board and the agent say that it embraces all matters of claim claim by the State and Oliver & Bro, and that the 20 Bonds are specially excepted. Showing that the parties were to account to Texas for the Bonds. In addition we have the original proof copy of a letter from Wilson to Oliver & Bro in which he says he is authorized to sell a large amount of these bonds, and hands them twenty bonds and specifies the numbers – the very same numbers they present for payment – in which he authorizes them to send one or two of the bonds to Europe, or the U. S. for sale &c. This shows that they held these identical bonds and Coupons in trust for the State. But I will send you all the papers to Washington as soon as they can be made out.

Very respectfully Your

J. W. Throckmorton

Gov of Texas.

P.S. – Since writing the above I have carefully gone through with all the accounts of Oliver & Bro, made out by Treasurers in Monterey, mostly in Spanish, and upon which their agent settled with the Military Board, (which settlement is signed by them, by their agent and the Board) and the bonds are not accounted for or mentioned, except as stated as herein before, that they were excepted out of the acquittance of each party, showing that they were still to account for them. Wilson's letter also shows that in addition to the 1440 Coupons, we have them charged with, they got 100 more.

I telegraphed you this morning to New York (21st) that I had mailed letters to yourself and Secy of Treasury at Washington and that you must telegraph me of your arrival at Washington.

I desire to know also when you leave Washington or New York for home. Our matters are so important and our condition so precarious, I do not know what better service you can render the country than to stay at the Capital. I will endeavor to have the Legislature to compensate you. T.

Executive Department
Austin Texas Nov 23rd 1867.

Maj Genl Griffin
Comdg Dist of Texas,
Galveston,

Genl – Enclosed I send you a letter from Wharton to Texas in relation to the conduct of the agent of the Bureau at that place. Will you give such orders to the agent as are proper, also direct the negro, or officer in charge to have him appear at Court and answer to the charge. Your obt Svt

Gov of Tx

Executive Department
Austin, Texas Feby 22nd 1867.

To His Excellency
Gov J M Wells,
New Orleans, La.,

Gov Your letter of Jany 7th enclosing a communication from Robert Anderson to yourself cannot have, during my absence from the seat of Government, the Secty of State write ~~you~~ immediately to the authorities of Henderson County, Texas, to know all the facts connected with the case, if any such had occurred in that county to which, as yet there is no reply. I was not aware of your communication, or the papers enclosed, until your telegram of this date making enquiries as to the case of "Anderson Mock." I have no knowledge of any such case as that of Anderson Mock, but presume your enquiry concerns the case of Robert Anderson, as that is the writers name as signed to the letter to you and, by your Excellency, forwarded to me. I have however, telegraphed to the County Judge of Rusk County to forward to me immediately by mail a statement as to the character of offence, manner of arrest and imprisonment in the case of Robert Anderson, alias Edmonds.

I will inform you at once upon receipt of information bearing the matter.

Very Respectfully, Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Feby 25th 1867.

Hon. B. He. Epperson,
Washington, D.C.

Dr Sir: Enclosed I send you, 1st. Copy of T.D. Wilson's letter to Oliver & Bro, showing how the latter came in possession of certain Texas Indemnity Bonds and Coupons. 2nd Oliver & Bro's letter acknowledging receipt of same. 3rd The settlement made by their agent with Military Board and 4th Memoranda of said settlement. 5th Their account with the State.

There are two points to which I desire to call your attention 1st Where interest is charged on Bonds and Coupons after maturity of Bonds and last Coupon attached, at the rate of 12 %, this rate was adopted because it is the rate in Mexico, and is the rate invariably charged by Oliver & Bro, against the State. 2nd You will observe that no charge is made on the Coupons until after Jany 1865 the date of maturity of last Coupon — whereas we would be justifiable in charging interest on each Coupon after it became due.

Now, manage this case as you think best — compromise — or place the proceeds of the bonds in Trust Company to await the issue of a suit. I respect you had better file copies in Treasury. But of this, you be the judge.

Yours Truly
J W Throckmorton

Executive Department
Austin Texas Feby 25th 1867.

Maj General Griffin
Comdg Dist of Texas
Galveston

General, I have an official report from the County Judge of Kerr County, showing the number of horses mules, &c, stolen from that County by Indians. Also a report that the U. S troops at Fort Clark have recovered two mules stolen by Indians from a Mr S P Rees of that County. and notwithstanding proof of ownership was made, the officer refused to turn over his property to him. I am satisfied the Government does not expect to keep the property of our citizens when retaining by the troops - and I would most respectfully ask that you issue a general order requiring all recaptured property to be turned over to the owners upon proper proof of ownership.

I am receiving official reports of past Indian depredations which I shall forward for your information at an early day. I am General, Most Respectfully

Your obt Svt.

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas Feby 26th 1867

Hon. Wm M Walton
Atty General

Sir: I direct your attention to act of 30th August 1856 in relation to sale of University Lands, and to the act "granting relief to purchasers of University lands" approved Oct 20th 1866, and make the inquiry if the law relieves the purchasers from making payments annually of the principal contemplated in act of 30th of August 1856. If the principal, annually due, must be paid, you will give this Dept the necessary information, in order to put the same in process of collection.

J W Throckmorton

Gov of Texas

Executive Department
Austin Texas Feby 25th 1867.

Maj Genl Griffin,
Galveston, Texas,

Genl Enclosed I send you a certified copy of an Indictment preferred by the Grand Jury of Washington County, against Maj L. W. Smith of the U. S. A. I would respectfully ask that Maj Smith be turned over to the civil authorities of said County to answer to the chg.

Respectfully &c

Executive Department
Austin Texas Feby 28th 1867.

Hon B. H. Epperson
Washington, D.C.

Dr. Sir: Accompanying I send you copy of Joint Resolution accepting the donation of lands for agricultural and Mechanical College. Also amendment to University act, requiring such College to be a part of our University plan. Also act making provision to locate State University, — with two Powers of atty. to yourself. One to receive the Land scrip, and one to sell the same. Please to attend to this matter. I see some of the Southern States have received their scrip. Examine the laws of Congress on this subject.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, Feby 28th 1867.

Hon Hugh McCulloch,
Secy of the Treasury,
Washington, D.C.

Sir: The penitentiary of this State is operated by the State — not farmed out or leased. Cotton goods are manufactured. I wish your decision as to the liability of the State to pay the tax on cotton manufactured at the Penitentiary, raised in that collectorate district? 2d Is the State liable as a corporation for goods manufactured at the Penitentiary?

I would state that the proceeds arising from the sale of manufactured articles go to the support and maintenance of the Penitentiary and is not for profit. A reply by telegraph respectfully requested.

Very Respectfully Your obt Svt
J W Throckmorton
Gov. of Texas.

Executive Department
Austin, Texas, Feby 28th 1867.

E. M. Swenson,
No 26 Exchange Place,
New York,

Sir: Pay to the order of B. H. Epperson, two hundred (200$) dollars, and draw on me for the amount, and oblige,

J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Feby 28th 1869.

Hon B. H. Epperson,
Washington D.C.

Dr. Sir: Yours of 13th and 15th just received. Herewith answer written by Walton. Also an order on Gov Swanson for two hundred dollars to pay into Court as security for costs.

Yours Truly
J. W. Throckmorton
Gov of Texas.

March 1867.

Executive Department
Austin, Texas March 1st 1867.

E. H. Swenson,
No 26 Exchange Place,
New York,

Dr Sir: By letter and telegram of ult. I directed Mr Ehlenson to draw on you for two hundred dollars, to be deposited by him in Supreme Court at Washington as security for Costs in the suit of the State of Texas vs. White, Chiles and others. Your draft on me will be honored at sight. As the political horizon is much troubled I would ask that you draw at once in order that all these accounts may be closed.

+ + + + + + + +

Most Respectfully
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, March 4th 1867.

Maj Genl Griffin
Comdg dist of Texas, &
aft. Comr Bu. R. F. & A. L.
Galveston,

General Your favor of 28th ult. enclosing copies of reports from Capt. Rand of Marshall, received. I have transmitted copies of Capt Rand's reports to the civil authorities of Harrison County, and asked if the statements are true that the civil authorities do not execute the laws &c, and asked information in each particular case. I have also urged upon them an energetic and prompt enforcement of the Law in all cases, regardless of persons or color.

I have referred the authorities to the laws regulating paupers and vagrants and recommended, that in case of vagrant or pauper children that the Police Court provide for them until they can be apprenticed. And in the case of pauper freedmen who are unable to make a support, I have advised that they state the facts of any case that may arise, to the agent of the Bureau and ask assistance

for them. I do this because Congress has made ample provision for this class of persons, and our state paying a portion of the taxes necessary to meet this demand upon the National Treasury it is presumable that the pauper freedmen of the State who are unable to support themselves will be entitled to a portion of this fund. I would be gratified to learn from you if such is your understanding of the law in regard to this class of persons.

In connection with this subject I would state that by the laws of Texas, two hundred and fifty dollars worth of property is exempt from taxation, consequently there is scarcely a dollar realized by taxation upon the property of freedmen. Last year there was no revenue from this source. There is a poll tax levied upon all classes alike, but as there is two hundred and fifty dollars' worth of property exempt from taxation, and over this amount from execution or forced sale, it is impossible to collect the same unless voluntarily paid; consequently no revenue is expected to be derived from this source. There is no tax levied by law of the State for the support of indigent freedmen, but a law to collect taxes for support of indigent white children which specially exempts freedmen and their property from paying a part of such tax.

I have been thus particular in order that the federal authorities may know that freedmen pay no taxes that can go to the support of their indigent. The truth is our taxes are already so burdensome upon the people that provision cannot be made at this time to care for the pauper freedmen - though in some counties the local authorities are endeavoring to do so, and I make no doubt that at the next session of the Legislature provision will be made for this purpose. I trust, if you have not the authority already, that you will endeavor to secure a portion of the appropriation made by Congress for the support of the Bureau and apply it for the benefit of this class of paupers. I expect there are fewer of them in this State than in any other. If you have reports as to the number I would like to have them in order to lay the whole question before the Legislature.

I am, General, Most Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, March 4th 1867

Ingham S Roberts
Vice Pres H. & N. C. R.R.
Houston, Texas,

Sir: Yours of the 28th ult received. The State Engineer has been ordered to examine your Road, and will be in hand in due time. Very Respectfully Your obt Svt

J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas March 4th 1867

Col James Gillespie
Supt Penitentiary
Huntsville, Texas,

Dr Sir James M Montgomery, a convict, writes me and asks for his pardon, and refers me to you for his good conduct &c. If you think him worthy of being released inform me; but be particular. If you recommend his pardon, give me a statement of the time he entered the Penitentiary; and for how long he was sentenced. Very Respectfully

J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas March 5th 1867.

Mr George Saylor
548 Franklin Row
Washington, D.C.,

Sir. The State Treasurer M He. Royston, sends you by this mail draft on J H Brower & Co for fifty dollars. I had previously forwarded Mr Efferson a draft for $57. to pay costs in Dist Court of District of Columbia, and on 28th ult sent him draft for $200 to be deposited as security for costs in Supreme Court. Yesterday received a letter from him stating that printing brief &c, would require, with the amt as security for costs $257. Please notify Mr. Efferson of this amt sent you. You will please forward your receipt and direct Mr E. if receipts have not been forwarded for the amounts sent him that he will send them forward

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, March 5th 1867.

Maj Genl Griffin
Comdg Dist of Texas &
Apt Quart Gen R. F. & A.L.
Galveston.

General – Enclosed I send for your information a response from the County Judge in relation to the Freedman reported to have been badly treated in the jail of Wharton County. Very Respectfully Your obt Svt

J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, March 5th 1867.

Maj Genl Griffin
Comdg Dist of Texas &
Apt Quart Gen R. F. & A.L.
Galveston.

General – For your information I enclose you the response of the County Atty of Travis County to enquiries made by me in reference to the freedmen, Edmond Parsons and Mat Hewolling, one of whom was wounded and the other killed, and reported to you by Capt Porter from this place on the 18th Dec last. You will observe, General, that the civil authorities have done their duty in these cases.

I am familiar with all the facts in reg and to the murders of Hewolling. They are noted robbers and murderers and through my exertions, aided by the Sheriff, Mr. Zinsfelman of this County, in addition to the offence already named and also confined for participation in the murder and robbery of Judge Doyle of Hill County. It was given out that Judge Doyle and his son were murdered and robbed because they were Union men – when nothing could be further from the truth. The band who murdered them, of whom the two in the jail of this place are a part, are notorious scoundrels who have been fugitives from justice for a year past.

I am not aware that Capt Porter's fears of robbing of freedmen during Christmas week were realized. But I am aware of the fact that the robberies committed upon them the previous Christmas were by U.S. soldiers, and that the same class have repeated the offence frequently since – not only upon freedmen, but upon white persons also. I do not mean this as any reflection upon the U.S. army. But I mention it to show that Capt Porter would have more fairly discharged his duty if he had stated that the soldiers were parties who robbed freedmen.

J W Throckmorton
Gov of Texas

Maj Genl Wad, &c

Executive Department
Austin, Texas, March 6th 1867

Hon Hugh McCulloch,
Secty of Treasury,
Washington, D.C.

Sir: The Post Master of this city, Maj De Normandie, is in possession of an Iron Safe, that is the property of the State, and had long been in use in the Dept of State. After the termination of the war the safe was taken possession of by Mr Frank Copeland, a treasury agent, and the Post Master says turned over to him by Mr. Copeland by authority of the Treasury Dept at Washington. Although Maj De Normandie is satisfied that the safe is the property of the State, he does not think it is proper that he should turn it over without authority from you. As I have not understood that it was the policy of the Genl Government to confiscate such State property as this in question, I would thank you for instructions on this subject, and such orders in the premises as you may deem proper

I have the honor to be Most Respectfully, Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, March 6th 1867.

To His Excellency
J Madison Wells,
Gov of Louisiana,

Sir. As the Executive of Texas, I have watched with much interest the progress of the measures now pending in the Legislature of Louisiana, which seem inimical to the further construction of the Texas and New Orleans Railroad, by the Company heretofore chartered and recognized by the Legislatures of both States. The people of Texas feel a deep interest in the speedy completion of this great project. The State of Texas has loaned to the Texas Division of the Texas and New Orleans Railroad Company $450,500.00

Any legislation by the State of Louisiana that will be unfriendly to the construction of the Louisiana division of this Road by the present company, will jeopardize the payment of this debt to the State, and cannot be regarded by the authorities and people of Texas otherwise than as unjust and unfriendly, unless it is clearly ascertained that the company are unable to complete the work. The hitherto harmonious legislation of both States, looking to the management of this project has caused the just expectation that no hasty impediments would be interposed to prevent the completion of this Road by the present company. It is undeniably true that, up to the ba-

giving of the late war, this company presented their enterprise with energy and success. Texas has adopted a liberal policy towards the Pacific Railroad Companies of the State, that have heretofore exhibited a commendable determination to prosecute their Roads. Perhaps no other Class of men suffered more severely by the late war. On this account our Legislature has been liberal and lenient towards them — extending the time for the payment of the interest due the State, and extending the land grant of sixteen sections to the mile for ten years longer. I would, therefore, most respectfully urge upon your Excellency the injury that is likely to result to the interests of the people of Louisiana and Texas, should the contemplated legislation of your State be carried out of granting to another company rights which would greatly impair the efficiency of the Company in question, if not wholly impair its ability to complete the work. The Texas and New Orleans Railroad Company have paid the interest due the State up to 1st Feby 1867 as required by our late law.

It is that the people of Texas have just reasons to believe that the authorities of Louisiana will adopt no measure that will retard the completion of a work begun and prosecuted under so many disadvantages, and to which they have contributed so liberally of their means, and which, when completed, must prove so advantageous to both the States. I have deemed it proper to say this much to your Excellency, in order that you may understand clearly the interests of Texas, in the Texas and New Orleans Railroad Company, and with the hope that future legislation of the two States, may continue upon this question, as heretofore, harmonious and cordial.

I have the honor to be,

Your Excellency's
Obt. Svt.
J. W. Throckmorton
Gov. of Texas.

Executive Department,
Austin, Texas, Feby 14th 1867.

Hon. Robert Mc Lean,
Governor &c.

Sir: I have the honor to call your attention to the difficulties encountered in correctly carrying into effect the late action of the Legislature in relation to the ascertainment and auditing of the public debt of the State in accordance with law creating your an auditorial Board, and in conformity to the two ordinances of the Convention touching this subject, been received and maturely considered by me.

The law creating the auditorial Board and defin

its duties expressly prohibits the issuance of certificates of indebtedness for any balance which may be found to accrue in favor of any individual, "since the 2d of March 1861 and prior to the 6th of Sept. 1865."

A doubt is entertained, whether the law is in harmony with the fifteenth ordinance of the Convention, and the Construction is given by some to that ordinance that it allows pay for services to all troops called out by Gov Houston between the 28th Jany 1861 and 2d of March 1861. regardless of the time they served. But in my judgement, this is an erroneous construction, as, I conceive the 15th Ordinance should be considered in connection with Ordinance No 2. declaring the War debt void and for other purposes, and should be regarded as an additional section, or amendment to that Ordinance, and should be construed and made to harmonize with it.

The 1st Sect of Ordinance No 2 expressly declares null and void all debts created directly or indirectly in aid of the late war, and the Legislature is expressly forbidden to ratify, or provide payment for the same, or any part thereof. The 3rd Section of the same ordinance confines the assumption or payment of debts to a date prior to, an inclusive of, the 28th Jany 1861. According to my construction of the ordinances, the fifteenth ordinance should be construed as a proviso to this ordinance, and means that the troops called out by Governor Houston that rendered service in pursuance to that call up to the 2d of March 1861 are also to be paid, but any service rendered by such troops in aid of the late war directly or indirectly, cannot be paid for, and is expressly prohibited and no service can be allowed after the 2d of March, though the troops called out by Gov Houston, may have rendered service subsequently not in aid directly or indirectly of the late war. To my mind, such is the just and reasonable construction of the ordinances when considered together. But should there be any doubt as to the ordinances there can be none as to the law under which you have authority to act. This precludes your allowance of any claim for service, rendered after 2d of March. And in considering claims for services rendered between 28th Jany and 2d of March 1861, by troops called out by Gov Houston, you should require proof that such service was not of the character prohibited by the ordinance No 2.

Very Respectfully
Your obt Svt.
J W Throckmorton
Gov of Texas

Executive Department
Austin Texas March 7th 1867.

Maj Genl Griffin
Comd'g Dist of Texas
Galveston,

General — Yours of the 1st inst enclosing statement of freedmen, Thos. Wollman, and other papers, touching outrage perpetrated upon freedmen in Leon County is at hand. I have written to the authorities of that County to use every exertion to bring the perpetrators of this brutal murder to punishment. We have also directed them to send me copies of the affidavits making complaint of the offence, with description of the murderers in order that I may offer the rewards for their apprehension authorized by law.

Very Respectfully
Your obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas March 8th 1867

Brig Genl Oakes
Comd'g W. S. Troops,
Austin, Texas,

Genl — For your information I enclose copies of two communications received this day in relation to Indian affairs. The one from Col Dalrymple, would go to sustain the view recently expressed of an Indian Camp being located on the Concho, but I presume it was or is further up the Concho than the frontier people supposed. The other report from Sergt Pace would indicate a camp higher up the Colorado, and the Indian Camp, supposed to be on the Concho, may be located, instead, on the Colorado or its Tributaries, and the latter view I think very likely the correct one.

Col Dalrymple is an experienced Indian campaigner, and I feel certain has reported nothing more than he knew to be true. I think Co-operation between your Command and General Heath's can effectually clean out this party. Evidently they will move Northwardly as soon as they gather the Stock they expect to steal, and the grass will afford support on the plains. The movement of a Column from Genl Heath's Command, scouring up the Concho and on the Colorado, would start them, and a simultaneous move from Jacksboro, covering the usually troubled Indian pass ways, the double Mountain fork, and Clear fork, of the Brazos would intercept them, if Genl Heath's Command, did not overtake them. However, I trust you will pardon the suggestion, as I am

quite sensible of your ability to manage such matters much better than myself. Knowing as I do your earnest desire to give the frontier the most ample protection. I feel assured you will inaugurate such measures as your means, and the exigencies of the case, will allow. I am, General, Very Respectfully

Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin Texas March 9th 1867.

Maj Genl Griffin,
Comdg Dist of Texas,
Galveston,

Genl - Your favor enclosing reports from Brig Genl Hatch touching operations of his Command in the Indian Country is received. I am delighted and gratified at the energy and judgment displayed by Genl Hatch, and the troops under his charge. I feel assured that the people of the frontier will receive protection. I beg to say also from my acquaintance with Brig Genl Oakes, and the knowledge I have of his ability and energy, that I have every confidence the same efficient measures, for the protection of his part of the line are being inaugurated, and will be successfully carried out. Nothing will prevent effectual protection by the troops unless the posts should be located too far apart.

For your information, I enclose two slips printed from official reports made to me. Also copies of two letters touching recent Indian depredations. You will observe from these reports much suffering and loss of property by the people in the localities referred to. I will send you as they are received all the reports that may be made for the purpose of directing your attention to the most exposed localities, and in order that you may estimate the future by the experience of the past.

I am, Genl, with very great respect

Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas, Mch 9th 1867.

Hon Edwin M. Stanton,
Secty of War,
Washington, D.C.
Sir:

Recently I made the request of Maj Genl Griffin, commanding this Military district to issue an order requiring the troops under his command to restore stolen property belonging to the citizens of Texas, captured by the U.S. troops from the Indians, upon satisfactory proof being made of ownership &c.

The Genl has kindly referred me to Par. 470 Rev. Reg. Army 1863 touching captured property which he construes as precluding him from complying with the request.

Not doubting but that the regulations referred to, was adopted to cover other property, and under other circumstances, and not in relation to property stolen by hostile Indians from loyal citizens of the United States, I beg to call your attention to the subject, and would most respectfully ask that such regulations may be adopted as you may think just and proper in the premises, and such as will insure the return of such property to the rightful owners, with only such delay as may be necessary to establish clearly the ownership. I have the honor to be,

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas Mch 11th 1867.

Capt. Jno. L. Lovejoy,
Agt Tonkawa Indians.
Waco, Texas,

Sir: Your resignation is received to take effect from 1st April 1867. You will report to and turn over public funds and property in your hands to Col Davis Gurley, Adjutant General, who is now at Waco and render him such information as you may have concerning your charge of the Indians, and place in his hands your instructions &c.

I am sorry truly for your troubles, and hope a speedy recovery. Regards to Shidmore & family.

Yours Truly
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, March 11th 1867.

Col Davis Gurley,
Adjt Genl. State,
Waco, Texas,

Sir: You will relieve Capt Jno. L Lovejoy of his duties as agent for the Tonkawa Indians, and his resignation will be accepted to take effect from 1st of April, prox

Brig Genl Oakes will order an escort to attend them to the vicinity of Jacksboro. You will receive from Capt. Lovejoy the wagon and oxen and place them in hands of whomever you may be able to get to attend the Indians to Jacksboro. Whomever you may employ for this purpose, will receive the same pay for the time he serves, as now paid to Mr. Lovejoy, after 1st of April.

All the guns should be taken from the Indians, and stored by you in Waco, except, say one-half dozen, to be left in hands of such Indians as Castillo may select.

The copies of letters from Comr Indian Affairs, authorizing the purchase of beef, is the only means at hand to buy beef with. Any parties who will furnish beef on this will get their pay as soon as the accounts are sent in and I can procure the funds from Washington.

You will attend promptly to this matter and confer with Post Commander at Waco, who will I presume have orders from General Oakes, as to the escort.

Yours Respectfully
J W Throckmorton
Gov of Texas.

Col Gurley—

In addition to the above, I will add— that the instructions issued to Mr. Lovejoy are modified to the extent that no land will be secured for the Indians, and that any one that you may get to go with them to the Camp at or near Jacksboro, shall return with the wagon and oxen to Waco, or sell them there, if he can get a reasonable price, and account to you for the proceeds. After the Indians are placed near the military forces, I desire the State to incur no further expense whatever concerning them, and you will give such directions. If any person is willing to feed them beef at reasonable price, on the faith of Commissioner Boggs's letter, I will endeavor to get the money. You will have Capt. Lovejoy to report to you the names of persons and amounts, of beef furnished him on his trip. The guns you get from the Indians you can dispose of at the best price you can and account for the proceeds.

The Indians have behaved so badly that I will not be bothered with them, or put the State to further expense. The contract with the man who is moving them is to take them to Jack County. Mr Lovejoy will explain this and pay over all the money in hands to you, that he receives

the benefit of the Indians. Yours —

J W Throckmorton

Gov of Texas

P.S. Mr. Lovejoy is at Mr. Skidmore's in Waco.

Executive Department
Austin Texas March 11th 1867.

Maj Genl Griffin
Galveston, Texas,

Genl — Enclosed you will find requisition of the Governor of Georgia complied with.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin Texas March 13th 1867.

To his Excellency
Governor Wells,
New Orleans, La,

Gov. — The first letter written from the State Dept making inquiry as to the case of Robt Anderson, about whom you inquired, was sent to Henderson County, instead of Henderson, Rusk County, as it should have been. I immediately telegraphed to Rusk making the inquiry, but recently the telegraph line has been discontinued there, and changed. So that as soon as I ascertained this I wrote directly. Owing to the recent extraordinary rains in that direction our mail communications have been very unreliable, and as such I am unable to answer your enquiries, but will convey your Excellency the earliest information on the subject.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas March 14th 1867.

M. W. Allen,
State Agent Sale Of Lands,
McKinney, Texas;

Dr Sir: Your favor of 25th ult with enclosed sketch map of designated W. L. proposed to be sold by you was delayed on the way and only received mail before the last. I have had a map prepared in Genl Land Office from your sketch on a larger scale, in order that I might the

more readily comprehend the lands heretofore sold, and the lands proposed to be sold by you. I think you propose to place too many lands upon the market by one sale, and have selected too many of them contiguous to each other. I would advise that not more than half the quantity selected in the leagues mentioned be placed upon the market at one time, and in no instance six two quarter sections adjoining, unless for the most satisfactory reasons. Such for instance as improvements made thereon, or on account of destruction of timber, and even in these cases, I would not always be governed by such rules. Too much land in one neighborhood put upon the market at once prevents a competition of bidders, and enables combinations to be made. I have not time to go further into details now, but offer the foregoing for your reflection. I send you the map I have had made made as it may be of service. I would also suggest a revision of your selection, and when you send me the new selection, take the time to explain any particular reason that may influence the selection &c But you will remember that I have entire confidence in your judgment, and having gone personally on the ground, as a matter of course you are much better prepared to judge correctly than myself.

Keep the University fund interest constantly in view; our object is to promote it, and do not regard any other consideration but this.

In regard to money due upon lands heretofore sold, you can inform parties interested that the Stay Law on the subject, only relates to a stay upon the interest due at the passage of the late act, and that the one-twentieth of the principal that is and has been due annually, and unpaid, must be paid, as also the annual interest accruing after the passage of the act when it becomes due. I have been careful to have the opinion of the Atty Genl on this subject; and as soon as I can prepare the advertisement, I will send to various counties where the lands lie, and proceed to advertise the forfeited lands for sale, and direct you where the amounts due are not paid, to re-sell &c. As the advertisement is only thirty days, the notice will be short, and it will be well for you to write an article and have it inserted in the different county papers, calling attention to this matter, and state that the law is imperative, and that the Governor has no alternative but to carry out the law. The money is due and payable at the Treasury, and the State cannot receive it anywhere else; therefore, the debtors can employ who they please to convey the funds here, but the State cannot receipt for the same, or become responsible until paid into the State Treasury.

After your new selections you can place some character in one corner of the map that will indicate what they are, and then I can have the map ~~that will~~ colored to suit. Have you any form of Notes prepared? They should be in a bound book. And if you have gone to no expense in this regard inform me and I will have them prepared and send to you.

Respectfully Yours

W. Stewart Allen

Executive Department
Montgomery Ala. March 18th 1896,

Hon. Geo. Ellis,
Grand Dist. Secretary,
Birmingham, Ala.

Sir:- I have received carefully the communication of Dist. Secretary Inspector R. E. P. Hall and desire to express appreciation as a sense of the duty concerning the free negroes who are committed to the State Penitentiary, by the various Magistrates, which was placed in my hands a few days since by you.

In answer to the inquiries contained in the communication referred to and the request made through you, in my last trip, I do hereby be pleased to Convict attended to, commencing in the 22nd and more strictly instructed that my duty as the Chief Magistrate of the State, having in charge the enforcement of the laws and the well-being of the people of every stamp and color, includes the indiscriminate action on my part that is desired.

From the sum by reference to the report made by the Inspector that these prisoners are confined for various offenses, many of them of the gravest character, including Murder, Rape, Attempt at Rape, Arson, Robbery, Burglary, Assaults with intent to Murder, Riding prisoners in jail & escape, and Grip the great majority are for theft, and in many instances for stealing small amounts. Bearing in mind that the laws are as efficacious and of more avail upon white persons. And that a person is just as guilty of crime should the offence be for stealing of one cent, as for one million, though the punishment is greater or less in proportion to the act. Again. It should be observed that in almost every case the punishment has been for the shortest period of time known to law.

For your information and that of the authorities, who are charged with the well being of the free people, I will state, that under our laws no person, white or black, can be prosecuted in our courts for a Criminal offence without having Counsel to conduct his defence. If they are too poor to employ Counsel or do not do so, it is the duty of the Court to assign Counsel for them, unless such party should be able to make their own defence. And I mention it as a fact worthy the judicious of the State that it is the general custom in all such cases to assign the most able and experienced members of the bar. I venture the assertion, with great confidence, that not a single convict was tried without having reliable and respectable Counsel to defend the case; and in no instance, where a reasonable showing was made that witnesses material to the defence were absent, have they been hurried or forced into trial without them. To show how tender the Courts have been of the rights of this class of persons, I will mention a fact, which shows

be known, in connection with the case of the freedman Richard Perkins somewhat noted, because of his escape from jail, protection by the Bureau from re-arrest and trial by the State authorities, on account of alleged cruel treatment and neglect while in jail (which charge has been refuted) in consequence of which it was claimed that Perkins should be tried under the civil rights law, but which trial has never yet been had so far as I am advised. In this case Perkins was indicted, and able counsel was assigned him by the Court. He desired to enter the plea of guilty, and so expressed himself in Court, but the State, in having all the witnesses present that had been subpoenaed in the case, the Court would not permit him to do so.

I have been witness repeatedly to the exertions made by Counsel thus assigned in defence of such persons. And in some cases I know of acquittals that unquestionably would have been convictions had the parties on trial been of the white race. To the ears of persons who have been taught to believe that the people of the South are exasperated at, and wish to oppress, the negro, this may appear strange; yet it is true. The great mass of our people, (and I am quite sure the same sentiment has due weight with the judiciary) feel a sympathy for the negro, and as jurors make a due allowance for his situation and the temptations by which he has been beset in consequence of sudden emancipation. I would not be understood as asserting that this is true of every person, or every section, but it is the general feeling entertained by a great majority of our people. Nor would I be understood as asserting that in every case where negroes have been convicted that a due regard has been had for their situation and ignorance, or that strict and impartial justice has in every instance been meted out to them.

I deem it proper in this connection, as controverting the general charge made against our people of hostility to the negro, and of the same implied charge in Inspector Sinclair's statement, that in quite a number of cases memorials have been addressed to me, signed by the Judges, officers of the law, members of the bar, and citizens, asking pardons for freedmen who have been convicted for various offences, including homicides, and others down to misdemeanors. Quite a number of pardons have been granted by me, including some of the list sent up from the Penitentiary, and others who had not reached there after conviction, — others still who had been convicted of offences not punishable by confinement in the Penitentiary. And in every instance but one the white persons making the application for the pardon have paid the fees of officers and costs of Court, amounting usually from thirty to fifty dollars, and some times more in felony cases. Some petitions have been sent to me signed by most respectable citizens, asking pardon for freedmen that I have not granted, because I did not think

the cases presented comes within the rules where executive clemency should be exercised.

I would most respectfully recommend the authorities that the class of prisoners now confined in the Penitentiary, as a general rule, is the most vicious and dishonest of the entire freed-population of the State. And instead of astonishment being expressed at the number, I think, it speaks well for the freed people themselves, and is a contradiction of the charge of white oppression, that the number should be no greater that it is. At the time of the surrender, and for many months after, the black population of Texas could not have been less than four hundred ~~and fifty~~ thousand. Since then a great reduction has occurred on account of the numbers who have returned to Louisiana, Arkansas, Missouri and other States. Taking a period of two years under the circumstances, when there was no government of any kind in the State for several months, and but few soldiers to enforce order, with the country demoralized by war, and such a large number of slaves suddenly emancipated, it is remarkable indeed that a greater number of crimes were not committed, and a much greater number of convictions had. A careful and unprejudiced review of the condition of Texas after the surrender, when forty or fifty thousand soldiers were disbanded, a very large proportion of whom did not belong to this State, and the return of thousands more from beyond the Mississippi, with the emancipation of several hundred thousand slaves, and the demoralization naturally attendant upon war, the constant change and confusion since, will convince any reasonable mind that, with all the crimes that have been actually committed, our people will compare most favorably in morality, christianity, and an observance of the laws, with the most favored sections of the Union. With all the disadvantages under which we have labored the calendars of crime have been no more numerous or outrageous than in other communities of the same population where there was constant government, and no soldiery save their own among them, and where no thousands of emancipated slaves were let loose in an unbridled and unassimilated freedom. Taking this reasonable view, the conviction of only 227 persons of color for the crimes referred to, shows that there could not have been much, if any, oppression or injustice done this class of people.

In looking over the statement of the convicts, as taken down by the Bureau agents, I have been impressed, with the palliatives offered by the convicts, and evidently relied upon by the agents which should be apparent to any one acquainted with affairs in this State. Some killed hogs, others stole bacon, &c., because, as they said they were hungry, and their masters did not furnish rations. The great

effort to procure and retain labor, if fair dealing was out of the question makes such statements as these very improbable; nor do I believe them true. Quite a number acknowledge to the taking of the articles charged, but render as an excuse that the parties from whom they took them were in their debt; others made mistakes, and not a few say they did not do the stealing, but the property was found in their possession, &c. In the case of two, reported for stealing oxen, one says he bought the oxen from a Mexican; the other says that his Cousin, (the one who claimed to have bought the oxen) stole them, — thus contradicting each other. I am in possession of the facts known on their trials of quite a number of the Convicts, and the statements made to the Agents are very different from the facts.

It will afford me pleasure to co-operate with the authorities of the Bureau in ascertaining the facts of any individual case and, wherever reasonable cause can be shown why Executive clemency should be exercised it will be freely and cheerfully extended. But these facts must come from officers of the Courts where the parties were tried, or from citizens of respectability who are acquainted the previous character of the Convicts.

I would say further that it is not the value or amount of the article stolen always, that should influence interference in these cases. If the offender was of reasonable good character and habits previous to conviction, then it should have due weight, but if such character had been bad and vicious, it should not be regarded.

It is certainly a novel proceding, and I cannot believe it is justifiable, that an application of this character should be based upon the statements of the Convicts. The course pursued by the Inspector, in raising in the minds of the Convicts an expectation of release, is, in my candid judgment, reprehensible, and cannot fail to prove mischievous; and were I to release them, would prove of the greatest injury to them. It would be regarded as a license and be an incentive to them to commit other offences. I trust in the future the Chief of the Bureau will permit no further interference of this kind with the municipal and police regulations of this State. I must be allowed also to remark that the statements, and implied censures of Inspector Sinclair, towards the Courts, people and authorities of this State, are neither courteous or respectful, nor are they warranted by facts.

I cannot close this communication without stating to the officers of the Bureau, that I will at all times, and under all circumstances, afford them all the aid in my power to secure every right to the freed people of this State that is guaranteed by the laws of the State and general government, and will always be ready to extend to these people the broadest mantle of mercy and charity whenever it can be done with a due regard to their interests and a just respect for the interests of the

whole body politic.

With sentiments of great respect I am Your
Most Respectfully Your obt Svt

J. Throckmorton

Gov of Texas.

P.S. – I have selected quite a number of the list of names and will institute the necessary inquiries as to their cases, and will pardon them upon any reasonable showing of the propriety of such action.

Executive Department
Austin, Texas March 20th 1866.

Maj General Griffin,
Comdg Dist of Texas,
Galveston

Annual – Copy of the letter enclosures from Maj Starr, giving an account of Indian murders on Rock Creek some twenty miles distant from the Post of Jacksboro, is received. I regret exceeding the want of energy on the part of the first Cav in the neighborhood of the murder, in not giving timely notice to Maj Starr, feeling assured had they done it that the Indians might have been properly punished. but it must be remembered that there are but four or five persons who could get together for self protection – these had to watch the Indians while in the neighborhood, and bury their dead, and at the same time defend their women and children. I think they did not act as promptly as they should have done – and especially should they have furnished a guide.

I would suggest that if the Rangers now engaged at that post as established by Gen Mackenzie, with his consent, that in all probability the troops would not have to wait for information, and the savages might have been intercepted. I would not be understood as intending any censure upon Maj Starr, because I have a high opinion of his energy and worth as an officer, and I very well know that he exposed himself in every emergency. His post is the rendezvous for a detachment of Rangers, and covered by his commands. It will be seen that the Major is not mistaken in his conviction that these parties are not Indians. The number of arrows in the dead bodies would probably indicate that they were Indians, because the Wichita Nation is being made of Indian sympathizers, but the Indians steal their arrows with great rapidity, and no great number – death resulting as a general thing – thereby giving warrants under by them, and then the Indians never take them to pattern up their arrows. The remarks that the arrow posts the Indians would not need good with the Texas Rangers. The inclosures to Maj Starr is quite disjointed, their business as well as

desire, to indulge in this barbarous craft of their race, is ample and undisturbed.

Expressing my thanks for the promptness of Maj Starr in sending troops at the earliest moment, and for the general good conduct of the officers & soldiers, and generally of the efforts made by you to give adequate protection to our people

I am, General Most Respectfully

Your obt Svt

J W Throckmorton

Gov of Tex.

Executive Department
Austin, Texas, March 21st 1867.

Maj General Sheridan
Comdg Dist of Texas
Galveston

General – Enclosed you will find report from County Judge of Leon County in relation to the recent outrages in that County upon freedmen of which you transmitted me an account some time since. Also copy of letter from County Judge of Smith County, in response to enquiries from me, concerning affairs in that County. The same being submitted for your information.

With sentiments of respect, I am, General,

Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas, March 22nd 1867.

Wm. B. Ke. Eshenson
New York,

Dr Sir: Your favors of 4th inst from New York and from Washington of the 9th both received by this days' mail. Also one from Mr. Swenson of the 5th inst. From Mr. Swenson's letter it would seem he does not fully understand the orders I have drawn on him for you. The first was for $55 – next $250, and next $200. Mr. S. conjoinds the two last as perhaps intended for me. But the 1st 55$ and last 200$ were for Court fees and a deposite in U.S. Court as security for costs. The $250 was to pay your personal expenses; and in addition I have had a draft sent to Taylor for $50 more to pay for printing briefs. This last item was a draft drawn by Raymonds on some banking house in New York. But I presume before this reaches you the whole matter will be fully understand by you and Mr Swenson.

Very Respectfully
Your obt Svt –

J W Throckmorton

Gov of Texas.

Executive Department
Austin Texas, 28th March 1867.

Hon Hugh McCulloch,
Secty of Treasury,
Washington, D.C.

Sir: I have the honor to enclose herewith a copy of a communication forwarded by me to you on the 19th ult. Recent information received from Hon B. De Espinosa to the effect that the original had not reached your Dept. on the 1st inst. Wishing to hear from you on the subject soon, I have the honor to be,

Very Respectfully, Your obt Svt.

J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, March 25th 1867.

Hon. B. De Espinosa
Care of S. M. Swenson
No 26 Commerce Street,
New York.

Dear Sir: Enclosed you will find copy of letter to Secty of the Treasury, the original of which was forwarded to the Secty on 19th ult as well as a copy to yourself. I have sent the Secty a copy this day. Your letter of 11th inst. just received informing me that they had not been received up to that date.

On 28th Feby I sent former letter to you and an act of the Legislature concerning Agricultural College Scrip &c, authorizing you to obtain the same &c. I also wrote the Secty of the Treasury for a decision respecting our paying tax on Cotton manufactured by Penitentiary. I asked of him answer by telegraph, but have heard nothing from him.

Very Truly Your

J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas March 27th 1867.

Maj Genl Griffin
Galveston, Texas

Genl – For your information I send you an additional statement of the County Judge of Leon County, concerning the murder and outrage committed in the case of Thos Hallman, freedman. I also would inform you that I have offered a reward of 300$ each for the apprehension of the perpetrators of the crime.

Very Respectfully Your obt Svt

J W Throckmorton
Gov of Tx

Executive Department
Austin, Texas, March 28th 1867

Major General Griffin
Comdg Dist of Texas,
Galveston

General — Yours of the 26th inst requesting "a list of the election districts, Precincts or Polling places in this State" received this morning. Enclosed I send you a list of Counties and County sites. I would observe that the various places of voting in the respective counties ~~counties~~ are designated by the Police Court of each County, and no record or Knowledge of them kept in the Dept here. The number varies, being in some Counties more numerous than others. I can obtain the information by an application to each County direct, and will take great pleasure in doing so. Should this information in detail be what you desire.

In addition to the division of Counties into which the State is divided, there are representative districts also, sometimes including more Counties than one. The representation in the future Convention, as I understand the recent acts of Congress, will be based upon the population (colored) in each representative District. Should you desire I will furnish you also a list of these representative districts.

I take occasion to say that on day before yesterday I found in the public prints Genl Orders 1. from Dept Hd. Qrs., and immediately telegraphed Genl Sheridan that I desired to confer with him fully here or elsewhere in order that the civil authorities of the State might Co-operate with the Military in executing the late laws of Congress touching reorganization. Should the matter, so far as relates to Texas, be turned over to you I would be glad to render every aid in my power to facilitate your labors; and should you deem it proper would be gratified to confer fully upon the subject. I am Genl

Most Respectfully Your obt Svt.

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas, March 29th 1867.

Hon B. M. Epperson
New Orleans, La:

Dr Sir: I find by yours of 18th and Mr. Swenson's of same date, that up to that time, you both were fully in possession of the facts of my orders on Mr. S. in your favor. The first was for 5.00 to pay costs in suit in Dist Court, District Columbia. This was given Feby 14th. The second was for $ Feby 18th. This was to pay your individual expenses while a

to these matters in Washington and New York. The third was for 200$, Feby 28th by telegram and letter. This was to deposit in U.S. Supreme Court as security for cost. The confusion arose in having sent a telegram as to the last, which reaches you before the 250$ order of Feby 18th by mail. If you have received from Mr. S 500$ on these orders, it is all right — 250$ of which was for your expenses. In addition I had a draft for 50$ sent to George Taylor; this was to pay for printing briefs, &c. I now forward Mr. Swenson a copy of this letter.

I have no fears of your getting me in any scrape in regard to public funds. I am fully satisfied you would pay your own expenses and loose any compensation before you would do this. And I feel quite sure the very important service you have already rendered, and the amounts that will be recovered to Texas by your energy and attention can and will be properly compensated. The State will bear me out in a just allowance to you. And I feel quite sure we can get this out of the amount to be recovered from Oliver & Bro or from the English bonds in hands of Droege & Co.

Yours very Truly —

J W Throckmorton

Gov of Texas.

Executive Department
Austin Texas Mar 2nd 1867.

Maj Gen Griffin
Comdg Dist of Texas
Galveston —

Sir — Accompanying I send you acts of Legislature of Texas of 1860 upon which are based the representation in the Legislature. You will find the apportionment act turned down, and the Reps districts marked. I would call your attention to the fact that while there are but 77 representative Districts, there are 90 representatives to be elected. Some Districts sending more than one member.

Should there be any other law or archives necessary to you I will be pleased to furnish such copies as you may wish, or contribute otherwise all in my power to facilitate your labors.

Most Respectfully
Your obt Svt

J W Throckmorton

Gov of Texas

P.S. — Since writing the above I am in receipt of a telegram from Gen Sheridan that the question of reorganization in this State has been placed in your hands. J.

Executive Department
Austin Texas March 29th 1867

Hon B. H. Epperson
New Orleans La

Dear Sir. Your arrangement in regard to depositing the Oliver Bonds in hands of trust company to await future settlement of the question of indebtedness on the part of the State and these parties, is entirely satisfactory. The State is disposed to give them credit on settlement for whatever they should justly have. I make no question that out of the Bonds and Coupons in their possession there is due to the State something over $15.000. I presume the papers sent you fully explain the whole matter, and upon them you can settle with their attys in New York, or if they are disposed to send an Agent here we can settle it.

In your telegram to me of the 25th inst you say that you have deposited in Trust Company $28.000, subject to adjustment of Oliver matter, also, $12.000 Currency with Mr. Swenson, subject to my order, but you do not mention from what source the $12.000 is derived. I presume however it is from the White & Chiles matter. You also say $61.000 the U. S. Bonds paid to ~~direct~~ Credit of direct taxation. I presume it means the value in Currency of the $61.000 of Bonds to be credited to direct taxes due from Texas. I presume your letters when received will fully explain these several matters, and I have no doubt will be entirely satisfactory.

From recent letters received through Messrs. Ballinger & Jack of Galveston, Attys for Droege & Co., I expect we will be able to settle the English Bond question, especially if you have an acquittance from White to any claim in these bonds. Droege & Co express a desire to settle at once, and to settle directly with the Governor of Texas. This will I think transfer the whole question to Galveston and Austin. So much the better, as we will have Swisher face to face with them. Keep me advised of all any information you may have on these subjects.

If Oliver & Bro only claim $10.000 of us, I think you can have no trouble in a speedy settlement with their attys.

Most Respectfully Your obt Svt
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, March 30th 1867.

Maj Genl Sheridan
Comdg La & Texas
New Orleans

Sir — Your telegram of yesterday in answer to mine of the 27th informing me that Brevet Major General Charles griffin, was directing of the details of the reorganization of this State, is received. I think it very justificatory in his statement that the people of

will participate in the reorganization with great unanimity. When the people, with very little division of sentiment, regard the terms imposed as onerous and oppressive, yet they are determined to abide the laws and comply with them.

As the Chief Magistrate of the State, I shall lend a prompt assistance, which is in my power, to carry into effect the laws referred to, and shall advise the people to participate in the reorganization with good feeling, and to the extent of securing to the newly enfranchised class the first exercise of the privileges conferred.

I have such assurances from various parts of the State, and from many intelligent and respectable Citizens, that I apprehend Genl Griffin will have little difficulty in the discharge of his delicate labors. The people will register promptly when called upon and avail themselves of all the privileges allowed.

I feel confident in the hope that yourself and Genl Griffin will extend to the people every facility possible in order that they may comply with the requirements of the law. I am, Genl

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin Texas March 30 1867

Maj General Griffin
Comdg Dist of Texas
Galveston -

General - I take the liberty of forwarding for your consideration copy of letter from Maj Barry, an old and experienced frontiersman. He had commands of a Regt on the frontier during the war. And I know of no one who has a better judgment about these things. I have assured him, and the entire frontier, that both yourself and Genl Sheridan are doing all in your power to give adequate and speedy protection, and that I am quite certain it will be done.

The line designated by Maj Barry is certainly a good one - especially for permanent posts. His idea seems to be to commence North of Red River, near the base of the Witchita mountains, at old Radziwsky, thence to Beaver Creek, south of Red River. Thence to the Round Timbers which is fifteen or twenty-five miles up the Brazos above Belknap; then Cooper and Phantom Hill. I have thought this line was further out perhaps than is proper - but for permanent posts it may not be. However, I submit it for your consideration - feeling assured everything will be done for the frontier that is practicable

Very Respectfully
Your obt Svt

J W Throckmorton

Gov of Tex

April 1867.

Executive Department
Austin Texas April 1st 1867.

Maj Gen Griffin
Comdg Dist of Texas,
Galveston -

General - For your information I transmit copies of reports made to this office by the County Judges of Grayson, Harrison and Panola Counties in answer to inquiries made by me: I take the occasion to express the hope and belief that there is a decrease in the commission of crime throughout the State in comparison with some months since; as well as a commendable energy of the civil authorities to enforce the laws. At the present term of the Dist Court in this county two white men were convicted of murder in the first degree for killing a negro, upon negro testimony. In one case a new trial was granted - in the other ~~[illegible]~~ refused, I understand the party has appealed to the Supreme Court. From the most reliable information received from various quarters of the State, I am well satisfied that the Judges and juries are endeavoring to discharge fully their duties towards all classes, and with the view to enforce the laws, and deal out justice without distinction as to color or condition. I am Genl Very Respectfully Your obt. Svt

J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, April 3rd 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston

Genl - The Atty Genl of this State, Col Wm M. Walton, visits Galveston, on business connected with the affairs of the State involved in the Courts and with private persons. I have availed myself of the opportunity to entrust him with a communication to yourself.

I will regard it as a favor, if your leisure permits, if you will present your views to the Atty Genl upon the questions I have presented in order that the civil authorities may become fully aware of what is expected and required of them, and that they may not be at fault for the

want of information.

I am General Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 3rd 1867.

Maj Genl Griffin
Comd'g Dist of Texas.
Galveston

Genl - New questions are continually arising wherein I must act under the late laws of Congress, touching the reorganization of the State; among those most likely to require immediate attention are such as arise in consequence of vacancies occurring in State and County offices. In the absence of any rule having been adopted either by the Dept at Washington, or by the Military authorities, who are charged with the enforcement of these laws, so far as I am informed, and with the view to elicit information, in order that my action may not be in conflict with an authoritative construction of the laws, I most respectfully invite your attention to the following views:

The legislation of Congress looking to complete and permanent reconstruction of the ten Southern States specified embraces the Military Law, passed March 2nd 1867; the supplemental law thereto of later date; and the proposed constitutional Amendment, known as the 14th article, embracing five sections.

The first act proposes to have new Constitutions formed for the several States specified, and provides a mode for calling Conventions to do the same. The Second or supplementary act designates the manner in which the first act shall be executed, and designates the officers who are charged with the duty of executing the same. The third or Constitutional Amendment, is to be brot to the consideration and action of a Legislature called in pursuance of the Constitution to be framed under the acts above referred to.

The questions which I desire to submit to your consideration grow more particularly out of the first act, and which are specified in the sixth section of said act and are elucidated by the fifth section thereof, and the 3rd Section of the proposed Constitutional amendment. The sixth section of the act after declaring the present State Governments provisional only, says - "and in all elections ~~in all elections~~ to any office under such provisional Governments all persons shall be entitled to vote and none other, who are entitled to vote under the provisions of the ~~fifth~~ section of this act; and no person

shall be eligible to any office under such provisional Government, nor could be disqualified from holding office under the provisions of the third article (section) of said Constitutional Amendment. The fifth section of the act in first part of it declares voters for the Convention to be "male citizens of said State, twenty-one years old and upwards, of whatever race color or previous condition who have been resident in the State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law." The latter part of the same section says, "That no person excluded from the privilege of holding office by the said proposed amendment to the Constitution of the U. S. shall be eligible to election as a member of the Convention to frame a constitution for any of the said rebel States; nor shall any such person vote for members of the said Convention."

Therefore I take it, that the just construction of the several acts of legislation referred to, excludes no persons from voting or holding office during the future existence of the present State Governments, except those who are disqualified from holding office under the 3rd section of the proposed Constitutional Amendment, viz: persons, "who having previously taken an oath, as a member of Congress, or as an officer of the United States, to support or as a member of any State Legislature, or as an Executive or judicial officer of any State, to support the Constitution of the United States," &c, and subsequently engaged in the rebellion.

It is presumed that there can be no difference of opinion as to the class of persons who may vote or hold office, except as it regards the construction that may be placed upon the term "Executive or judicial officer" of any State. The enquiry is being made of me every day in regard to the different class of persons who are excluded. For instance are clerks of Courts of the State, Supreme, Dist and County, Sheriffs, Constables, Coroners, Notaries Public, Militia officers, Clerks in Depts &c., construed to be "executive and judicial officers."

In view of vacancies occurring in the offices while the State Government is declared to be provisional only, you will see the necessity of having these questions, as to who are voters, and who may hold office, settled at once, as well as the absolute propriety of authoritively making known who are of this class, before a registration of voters is begun. Without it many will not know whether they should register or not.

I would remark that I have not seen official copies of the laws referred to, and may not have quoted them accurately.

In view of the premises considered, should the duty devolve upon me to make an appointment to fill any vacan-

that may happen, or should any election be ordered for such purpose, I construe my duty to be in case of any such appointment, to fill it with a person not disqualified by the 3rd section of the proposed Constitutional amendment and the same rule to obtain and be observed in issuing commissions to persons elected to fill any vacancy; and further, that all male citizens, twenty-one years old and upwards, residents of the State twelve months preceding any election, except those disqualified from holding office by the 3rd Section of the Constitutional amendment and those convicted of a felony at common law, are entitled to vote for persons to fill such vacancies.

Therefore I desire to know if the views of the military authorities coincide with the conclusions here presented; and if so, whether I am to fill vacancies where the same is required of me by the Constitution and laws of this State in case of death, resignation &c and to order elections &c. under like circumstances, or see that the same is done by the county authorities where it devolves upon them.

If the opinions expressed be correct, it is necessary that public notice should be given by me in regard to future elections, &c, in order that inferior officers may discharge their duties properly and to enable the people to meet the new requirements of the laws so far as relate to their privileges &c.

I trust the delicacy of my position, the future welfare of the people of this State, and the necessity for a cordial and explicit understanding between the civil and military authorities in regard to the important questions herein discussed, will be a sufficient apology for the tediousness and length of this communication.

With the hope of an early and full response, I am, Gentl

Very Respectfully Your obt Svt

J. J. Throckmorton

Gov of Texas.

Executive Department
Austin, Texas, April 18 1867.

To His Excellency,
Governor Wells
New Orleans,

10 v— On the 30th ult I sent you the papers obtained in the case of of Anderson, which show that he is legally held for an offence against the of this State; though I withheld his arrest in Louisiana

not in accordance with the law of that State; yet I think this would be a question to be settled by your authorities, and would involve, not his release here, but the conduct of the officers and parties concerned, in arresting him without complying with the requisites of the law.

In your communication to me of the 7th Jany last you ask an investigation of the facts. I have furnished your Excellency all the facts elicited; and while it appears that the arrest was not proper in the inception of it, yet after he was brought to Texas, he was properly served with process, and upon his own application for writ of Habeas Corpus, and a very full and fair examination of his case the Court adjudged that he should give Bond to answer for his appearance &c.

I would observe that your Excellency did not ask me to return Anderson, and I presume no reason exists why he should be returned. However, should you see proper to make a requisition for him, I will act upon such application and determine the same according to what may appear to me to be the law of the case; yet I may be allowed to say that at this time, I cannot see upon what ground I should comply with such a demand. Yet such an application shall be treated with the utmost respect and consideration, not only out of courtesy to your Excellency, but as well to maintain the cordial and respectful relations that have heretofore and I trust may continue in the future, between the States of Louisiana and Texas.

I have the honor to be very respectfully
Your Excellency's Obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 5th 1867.

Col George W Carter,

Dr Sir: Yours of the 1st inst proposing, as agent and Atty of Genl E.B. Nichols, to present for consideration and settlement the unadjusted accounts between the State of Texas and Genl Nichols, growing out of his action, first as a commissioner appointed by the Convention of 1861, and as agent appointed by Gov Murrah in 1864, has been received and considered. Some time has already been consumed in the investigation of these transactions and I find necessary and important papers lacking - supposed to be in Court at Galveston. I must request therefore that you, ~~as far as practicable, and~~ (at as early a. & practicable) to supply such deficiency as far as may

power. The necessary papers at Galveston will be obtained at once by Atty. Genl Walton, and it is presumed Genl Nichols may have duplicates of all his papers. The vouchers so far as money remittances to the Treasury is concerned can be supplied.

I am desirous of adjusting on fair and just terms these accounts, and hope no delay may be had at arriving at a settlement at an early moment that will be satisfactory to the State and all concerned.

I am, most respectfully Your obt Svt -
J W Throckmorton
Gov of Texas.

Executive Department
Austin Texas, April 5th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston,

General - I have understood, but do not know the truth of the matter, that an effort is being made to have Judge John Ireland removed, because he granted a new trial recently to one of two white men convicted of murder for killing a negro. As the atty Genl, Mr. Walton prosecuted these men I would refer you to him for information as to the facts. I trust the Maj Genl Comdg the 5th Military Dist will make no removals on Ex parte statements received from one side alone. If the conduct of any officer in this State is impugned justice and fair dealing to all concerned, I hope will cause a full and fair investigation. Notwithstanding the many charges published in radical papers aspersing the character of Judge Ireland, I feel assured he has been trying to discharge his duty. Certain papers at this particular juncture are filled with columns of abuse of myself and other officers - the object is very apparent. I do not feel called upon to reply to these lying and slanderous attacks, but would be gratified to exhibit all my official acts to the authorities of the general government to show how laboriously, I have endeavored to have the laws executed and peace and good feeling restored to the country.

It is well known throughout the country that from the passage of the Sherman Bill I counselled its acceptance by our people, and took pains to have the leading papers in the State advocate a compliance with its requirements. I did not do this because I approved it, or believed that it was just to our people, but because I believed it was better that we should act under it than longer delay restoration. Judge Ireland co-incided with me in this opinion. I mention

this only to show how utterly destitute of truth are many of the expressions and assertions contained in certain papers.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 6th 1867.

Maj Gen Griffin
Comdg Dist of Texas
Galveston,

General - Enclosed I forward for your information copy of letter from Chas F Rand, of the Bureau at Marshall, to the County Judge of that County in reply to inquiry for the facts upon which he based his report to the Chief of the Bureau of the murder of ten freedman &c. I will observe, that in my letter to the County Judge, I had directed that pauper children should be bound out under the law, and application should be made to the agents of the Bureau for assistance to aged pauper Freedmen, as the State had not been able to make such provision; and as Congress had, and Texas was paying her portion of the Taxes for this purpose. At the time I made the suggestion it was in the full belief that the appropriation made by Congress for the support of the Bureau was for this purpose.

I am General very respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, April 6th 1867.

Maj Gen Griffin
Comdg Dist of Texas,
Galveston,

General - I presume you have information of a most unfortunate occurrence, in Caldwell Co. between a party of U.S. soldiers and citizens. I do not know the particulars and have only rumor to go upon. I trust you will order a full and complete investigation into this affair by a Board of Officers who will investigate the facts fully. If the citizens are to blame I do not wish to shield them. If the troops have committed a wrong I am quite sure you will not approve it.

In this connection, an old man living in the neighborhood has had a verbal order from the officer in command at Prairie Lea to leave the County. The old man has appeared

to me. I have this assurance that he was in no wise connected with the affair or the parties. He simply rendered assistance as a neighbor to the family in attention to the dead and wounded. Gentlemen of the highest respectability assure me that this old man is inoffensive, and has always been a peace-maker. His name is F. W. Heafsel. Will you permit this old man to return home, and issue an order to that effect, and also that his family and property shall not be molested? If he has committed any offense, have him arrested and punished. But I ask that his property, and his wife and children may have your protection. I trust General that you will have this whole affair thoroughly investigated, and let the guilty suffer. I am,

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, April 8th 1867.

County Judge of - - - County -

Sir: - In order to facilitate the labors of the military authorities in providing for a registration of the legal voters under the recent acts of Congress, known as the Military Bill, and Supplement thereto, it is necessary that you furnish to this department, without delay, a list of all persons in your County, "irrespective of Color," who are competent and qualified to act as Registers, and who can take the accompanying Oath. It is desired by Maj Gen Griffin, Commanding, that each County, if possible, furnish its own Registers. You will therefore spare no pains to furnish the list at the earliest moment. Send, at once, those who come within your personal knowledge; afterwards, such others as you may ascertain, noting particularly their business qualifications as far as practicable. The best men, that is, those who are most competent, and who will act fairly and promptly should be noted. _____

_____ 2nd You are further requested to give the number and name of each precinct in your County. _____

_____ 3rd Probable number of Colored entitled to vote under acts of Congress. _____

_____ 4th The probable number of whites who are entitled to vote under the laws of the State. The percentage of those disqualified to vote can be better ascertained here. _____

_____ I cannot too strongly urge upon you and through you, upon the people of your County, the propriety, and absolute necessity at this juncture in our affairs, of contributing

to the fullest extent, every aid possible, in order that the military authorities may be enabled to execute the acts of Congress with promptness and fairness. I am

Very Respectfully Your obt Svt
Ki Throckmorton

Oath of Office

I, ——, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority power or Constitution within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and ~~truly~~ faithfully discharge the duties of the office on which I am about to enter, so help me God.

— — — — — Texas }
— day of — — 186 }

Executive Department
Austin, Texas, April 7th 1867.

Capt James Gillespie,
Supt Penitentiary
Huntsville, Texas,

Dr Sir — Your report was received in due time. I should have acknowledged it earlier, but for business of a more pressing nature. I am greatly obliged for the very full and complete report of the property, machinery &c. This, with report of the Financial Agent exhibits fully the condition of the Penitentiary, and places the same in direction of the Comptrollers Dept, which I believe is the first time that such facts have ever been on file since its creation. Your statement of the condition and management of the institution is instructive and very satisfactory. I receive to express my thanks to yourself, and the Board of Directors, and Doctor Dickson, for the satisfactory condition of the State Prison, and the very efficient management of its concerns. I feel confident, if we are not disturbed or interrupted in our State Government, that in the future the Penitentiary will not be regarded by the Legislature as great eye-sore and expensive burthen. Your obt Svt. J. W. H.

Executive Department
Austin, Texas, April 9th 1867.

Maj Gen Griffin
Comdg Dist of Texas
Galveston,
General.—

The Tonkawa Indians numbering in all about 150 souls have been on the hands of the State Government since my entering into office. In pursuance of a law of the Legislature, I appointed an agent for them, and continue since to furnish Transportation and furnished them blankets and clothing and other necessaries, and started them to Fort Smith, where it was intended to locate them upon land given them by the State. But they have disregarded all the orders given them,— one of them attacked the agent and came near killing him. I find, as I have no power to enforce any order with them, I cannot control them. By the kindly assistance of the Military authorities at this place and Waco, I will be able to get the most of them to Fort Smith. I have instructed the person in charge of them, when he gets them to more than one to the officer in command of the post. The funds at my disposal, authorized by the Indian Bill at Washington, I feed them, will be exhausted by the time they can reach that point. Therefore request of you to take charge of them until the Bill at Washington makes the necessary arrangement for their future. The Comr of Indian Affairs promised months since to do so and to send an agent to Texas for that purpose. But he (Hon L. V. Bogy) was not confirmed by the Senate— consequently the delay. I have recently written the Bureau again on the subject.

As all means at my disposal will soon be exhausted, and as the Indians cannot be subsisted by the State authorities, I trust you will issue the necessary orders ordering a sufficient number to take charge of them. Either the Indian Officer at the post or another in the Department, should go between here and Waco, and make them join the main band.

Respectfully, Your Obt Svt

E. M. Pease
Gov. of Texas.

Executive Department
Austin, Texas April 9th 1867.

Maj Genl Griffin
Comdg Dist of Texas,
Galveston -

Genl - Enclosed I send copies of letter from L. L. Jackett, of Parker County, concerning late Indian raid in that region. His letter had no date, but the post mark was Apr. 1st. I apprehend the troubles of which he writes occurred between the 20th ult. and 1st inst, as other information show that the Indians were in South-east part of Wise at that time, and a fight occurred there in which the Indians repulsed the citizens who followed them. The raid alluded to in Extract from Hon Geo E. Barney's letter was made down through the Counties of Erath and Comanche and into Bosque.

During the last moon the Indians seem to have made a general move along the whole line of the frontier from Red to the Nueces.

Very Respectfully, Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 9th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston

Genl - Enclosed I send you several copies of circular letter this day forwarded to each organized County in the State. You will observe I have requested information as to the number of white votes in each County heretofore entitled to vote. The percentage of those disqualified can be more nearly arrived at perhaps, here, and had I asked the number allowed to vote under the act of Congress such officer would have construed the act for himself, and perhaps been in great error as to the number and character of persons included within the terms Executive and Judicial Officers &c. I suppose a tolerably accurate estimate of the Colored vote will be furnished. I will forward the reports to your Hd. Qrs. as fast as received.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 10th 1867.

Maj. Genl. Griffin
Comdg Dist of Texas
Galveston

General — Accompanying I send you a copy of letter received from County Judge of Leon County concerning paupers freedmen. I would most respectfully call your attention to this subject, and remark that the laws of the State authorize the Counties to levy a tax equal to one-half of the State tax, which tax goes to support the municipal affairs of such County. The counties also have a right to levy special taxes to build Court houses and jails. Throughout the State the Counties have levied taxes to the extent of the law and it is impossible for them to collect taxes sufficient to support paupers either white or black, and meet other requirements of their organizations. The poverty of the Counties as municipal corporations makes it an impossibility in many cases for them to meet the demands of humanity in this regard. The failure to do so does not arise from a want of inclination or lack of humanity and justice, but from utter poverty and inability to do so. I hope and trust it will not continue so long. With restoration and permanent Government there will be a return of prosperity; and then, I feel assured, our people will not be wanting in their duty.

Assuming such the fact, if it is not within the scope of your authority or that of my subordinates, and in accordance with the law that such steps may be taken to which the poor freedmen in this State, I respectfully, dear sir, you are requested that it is not within the power of one County, Freedmen State and Municipal to spare the relief needed. In conversation poor paupers, and authorized by law, can your humanity and justice call upon people by necessity of labor as much relief, particularly at a crisis.

I have the honor to be very respectfully Your obt. Svt.

J. W. Throckmorton
Gov. of Texas.

Leon County
Texas Feb 28th 1867.

Hon. J. W. Throckmorton
Governor of Texas

General — Enclosed you will find Tabular report of Indigent white and black — for Eight months. It is a grievous fact different people to contemplate, but between the lowest and most degraded white population there is

I regret that the official information in the Dept's here will not afford more certain data. I apprehend no apportionment of members for a Convention can be made until after a registry.

I am already in receipt of reports from two counties giving names of persons qualified to act as registers who can take the oath. As they come in they will be forwarded.

Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 15th 1867.

Maj General Griffin
Comdg Dist of Texas
Galveston,

General - I take much pleasure in forwarding to you the accompanying official copies of reports from several County Judges, in response to my circular letter of the 8th inst, requesting names of citizens who are qualified, and who can take the required oath to act as registers &c.

I most respectfully invite your attention to the promptitude of this action of the County Judges and especially to the spirit manifested, to observe the law, and to aid in its execution.

I trust, General, that the evidences will be afforded you in the most unmistakable manner that it is the desire and wish of the civil officers and the people to see the laws national and State, fairly and promptly executed, and that this desire is both "sincere and prevalent" throughout the State. The assurances given by yourself of your desire to afford every facility for a fair and full exercise by the people, under the Laws, of all their rights and privileges, will greatly encourage them, and, I feel satisfied will have a most happy influence.

Accompanying also you will find a certified copy of the late Atty Genl's report as requested, made to Gov Hamilton, but delivered to me on my coming into office.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin April 15th 1867.

His Excellency
J. Madison Wells,
Gov of Louisiana,

Sir:

Your communication of 9th inst. is received. I tender you my acknowledgements for the information forwarded, and am gratified that you have caused the arrest and detention of the party charged.

I have this day forwarded information of the matter to the local authority at Beaumont, the County seat of Jefferson County in which the crime is alleged to have been committed, and have desired them immediately to forward to me a copy of the indictment found, if any, or an affidavit charging the offense within the forms of the Statute. Also the name of a suitable agent to receive the prisoner. As soon as these are received I will issue a requisition for the prisoner.

I have the honor to be your Excellency's Very obt Svt

J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 15th 1867.

Chas. B. Pearce
District Atty,
Waco, Texas,

Enclosed I send you official copy of a communication to me from Major Gen. Griffin, with official copy of Statement of Brevet Lt. Col. A. W. Evans Comdg U.S. troops at Waco, Texas, touching reported outrages perpetrated upon a person by the name of Bishop by citizens of Bell County. You will at once see Col Evans and ascertain all the facts. If Bishop has been arrested upon a legal charge for any crime you will see that the law is strictly complied with in his case. If he is under arrest without legal complaint or authority, and you are satisfied that there is reasonable ground to believe that he has been guilty of an offence, you will take the necessary steps to have the proper investigation made, otherwise you will notify Col Evans that there is no charge, or reason why he should be longer held in durance. Should it be necessary to retain him in custody, and it is not ~~too~~ safe or prudent to return him to Bell County, you will ask of the military authorities, such force as will insure the safety of the prisoner and the due execution of the Law.

You will also institute a vigorous enquiry into the facts of his recent arrest, and whether the parties who had

made the same, did so under the necessary legal process. With or without such process if the parties who arrested Bishop, violated the law in any particular, take the necessary steps to prosecute them at once.

Report to me at once all the facts you may be able to gather concerning the case, as well as any information touching the accused and the conduct of the citizens of Bell County.

The faithful and energetic manner with which you have discharged your official duties induces the conviction that you will in this and all other cases to the utmost of your ability, see that the laws are vindicated.

Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

(Copy sent to Genl Griffin.)

Executive Department
Austin, Texas April 15th 1867.

County Judge and County Atty
Belton, Texas,

Gentlemen – Report to me at once all the facts connected with the arrest and wounding of one Bishop, recently in your county. That is, what offence had he committed? Was he a Confederate soldier, or Union man during the war? If he deserted our army &c? Did the parties arresting have warrant &c? Was there an effort to mob him by your people, or people from other counties, after his arrest? Can the civil authorities of your county enforce the law, – protect prisoners from mob violence &c? Do you need assistance from the military to guard the jail?

I need not impress upon you the necessity of a rigid observance and enforcement of the Laws; and if there is a spirit of mobocracy in your County, you should not hesitate to report the facts, so that the military can be called upon for assistance. The murder of Lindley and his son in jail has greatly prejudiced your people in the estimation of the military authorities, and this is the greater reason why you should make every effort to enforce and observe the laws.

Very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, April 15th 1867.

Major Genl Griffin
Comd'g Dist of Texas,

Genl – In response to your communication transmitting report of Brit Lt Col Evans, Comd'g Post Waco, Texas, I herewith inclose copy of instructions this day forwarded

by me to the Dist. atty, Chas B. Pearre.

I am greatly obliged for the information furnished, and hope to be able to lay all the facts of this case before you, with the action of the civil authorities of the District.

I regret the temper and tone of the article in the Navasota paper and have no doubt of the truthfulness of the report made by the officer as to the conduct of himself and the soldiers with him. It is not reasonable to believe that the people would have interfered with or attempted violence towards the soldiers had they succeeded in arresting the party for whom they were searching, and in making such statement Mr. Lancaster must have been talking at random.

Enclosed you will find additional list of appointments made by Governor Hamilton.

Very Respectfully Your obt Svt
J P Throckmorton
Gov of Texas

Executive Department
Austin, Texas, April 17th 1867.

Hon. W. H. Seward,
Secy of State,
Washington, D.C.

Sir: I am informed by Mr. Wm. C. Clement, of Tyler, Smith County, Texas, that a friend of his was present in Washington when the pardon of his Excellency the President, was granted, and that the same was mailed to him. The pardon has never come to hand. If any such issued, will you be so good as to forward a duplicate of the same, if it is proper to do so, or such other evidence of it as will secure its benefits to Mr. Clements.

I have the honor to be, Most respectfully Your obt Svt
J P Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 17th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston.

Genl. I have the honor to acknowledge the receipt of your favor of the 13th inst. relative to the resolution of Congress providing relief for the destitute of the Southern and South-western States.

I have not yet been able to obtain the Resolution referred to. ——

—— I have no present means at command that will enable me to furnish the information desired by you, with any degree of accuracy, consequently I can only approximate it from a general knowledge of the condition of our people. I would remark however, that I am well satisfied that there is less absolute want among our people than in any other of the Southern States. The authorities and people of Texas cannot but feel gratified at this act of kindness manifested towards the unfortunate of the Country, and will freely appreciate the humane sentiment that prompted it. ——

—— I place the white population of the State at not less than 500,000. By many it is estimated at more, but I incline strongly to the opinion that it is but little above this number. I estimate that not more than one-half of one per cent of this number actually need the assistance contemplated by the appropriation. There are certainly quite a number of white families, the widows and orphans of deceased and disabled soldiers, who need it. And doubtless there are others who are dependant upon charity. But they are so widely scattered, that it will require specific enquiry to ascertain their localities and the number. ——

—— I place the colored population at not more than 250,000. At the time of the surrender it was largely greater than this, but the excess above this number was brought here from Missouri Arkansas, Louisiana and Mississippi, and other States during the war, and the greater number returned. And of the number that were here before the war, after their emancipation, many returned to the States from whence they originally came. What number have come in from abroad I am not able to say, but presume not more than enough to keep the population at the point stated. ——

—— Of the colored population I judge about two and a half per cent. need assistance. I know that in many counties where there is a pretty heavy colored population the County authorities have been unable to provide for them as they should. The points where the assistance is most needed I presume to be in San Antonio, Austin, Brownsville, Marshall, Galveston, Houston and Jefferson, and in the counties containing the heaviest colored population. —— But I have no doubt that in each County in the State some object of this charity can be found. I would respectfully suggest that you indicate specifically the information desired so that it may be published, and official information be obtained from the local authorities of each County. I have not thought it prudent to venture upon this without communicating with you on the subject, as I have not seen the Law, and do not know its provisions in detail. Even were the friends in your prescription it strikes me the specific information indicated would be needed. The kind of supplies

that will afford the most relief will be food and clothing.
The conclusions arrived at are purely speculative, without data for forming a more accurate estimate
Very respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 18th 1867.

Hon M. W. Allen
McKinney, Texas,

Dr Sir: Yours mailed 28th ult was a long time on the way I am fully satisfied you will work for the best interest of the University funds, and my letter was free because it was intended as an expression of my views the same as if we had been in conference. I have now in press the notes to be bound – and the certificates – it will only be a few days until I can mail them to you.
Yours Respectfully
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 18th 1867.

Maj Genl Griffin
Comdg Dist of Texas,
Galveston,

General – I have no money whatever appropriated by the Legislature to feed the Tonkawa Indians. I was authorized by the late Comr of Indians affairs, Hon L. V. Bogy, to furnish them Beef to the amount of two thousand dollars, and to forward the necessary vouchers and the same would be paid. I presume by the time the person in charge gets them to Jacksboro, that this amount will have been expended. The Agent however, was instructed to use this credit for their benefit as long as it would last, and was also instructed to furnish the comdg officer at Jacksboro, with copy of the Commissioner's instructions.

You have my thanks for your attentions to this subject; and I would suggest that proper steps be taken to have the straggling Indians, scattered between this and Waco, join the band on the frontier.

I am, General, Most Respectfully
Your obt Svt
J W Throckmorton
Governor

Executive Department
Austin, Texas, April 20th 1867.

Maj General Griffin
Comd'g Dist. of Texas
Galveston

Genl – I have the honor to acknowledge the receipt this morning of "Special Orders No 66"

For the information of yourself, and the Maj Genl Comd'g 5th Military Dist., I would call your attention to the following facts connected with the mode of filling vacancies occurring in State and County offices under the Constitution and laws of this State.

Vacancies occurring in the offices of Justices of the Supreme Court, Atty General, Comptroller of Public accounts, State Treasurer, District Judges and Dist Attorneys, are to be filled by appointment of the Governor, until a general election of State and County officers.

Vacancies occurring in the office of County Surveyor are filled by appointment of the County Courts (Police Court) The office of County Atty is made by appointment of County Court. Vacancy filled by same authority.

Clerks of the Supreme Court are appointed by the Justices of the Supreme Court – vacancies supplied by same authority. Vacancies occurring in office of Clerks of Dist Courts, are filled by appointment of Dist Judges. In case of vacancy in office of Commissioner of General Land Office, the Chief Clerk performs the duties of the office until general election. All other vacancies are filled by elections.

I have not mentioned vacancies occurring in Depts, such as Comptroller's Treasury &c., as the Clerks are appointed by the heads of the Dept. If I clearly comprehend the special orders referred to, it is my duty to report to the Dist Commander all such vacancies as are to filled by election. And all appointments made by me to fill vacancies are to be reported also, and the same rule to be observed where vacancies are filled by County Courts – Supreme and Dist Courts, and by heads of Depts, in filling vacant Clerkships.

I will be greatly obliged for your views on the points presented, and a correction of any error I may be in concerning the same.

I am Genl very Respectfully
Your obt Svt

J W Throckmorton
Governor.

Executive Department
Austin, Texas, April 23rd 1867.

M. H. Allen
State Agent W. Lands
McKinney Texas.

Yours of the 12th inst received. The designation of Unappropriated Lands selected by you, and proposed to be sold is hereby approved. My instruction is now should designate by number and name each tract proposed to be sold, on a separate piece of paper, as well as the League &c., out of which it is taken. To enable you to do this a blank sheet, upon which you will make specifications so as to correspond with your map, and then return the same to me for approval and file. The approval on the map will be sufficient for you to go on with the work. But you should keep copies of all important papers in case of miscarriage by mail &c. The Comptroller says the law requires your account to be sworn to - make it out aright, and you make oath before a Notary or other proper officer And I can get you an order on Sautis - or a draft, or send the money as you may prefer.

Very respectfully Your obt. Svt

J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas April 24th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston,

Genl - Enclosed you will find statements of officials and citizens, as well as the testimony in the examining Court in relation to the offence, arrest, &c, of Bishop, who was taken charge of by the military from Waco, and reported to you by Dr Bob Evans. I have not heard yet from the Dist Atty, in reply to my directions in this case. As soon as he reports you will be advised of the facts elicited by him. The other parties mentioned in the accompanying papers as companions of Bishop, Blair, Hamilton and others, are desperate outlaws and have been arrested and convicted for the gravest offences.

I also inclose a list of rewards offered for the apprehension of murderers.

Very Respectfully
Your obt Svt

J W Throckmorton
Gov of

Executive Department
Austin Texas, April 26th 1867.

Maj. Gen. Griffin
Comd'g Dist of Texas
Galveston

Genl - I have the honor to recommend for appointment as Assessor and Collector of State and county taxes for Comanche County Mr. F. M. Hornsby. Accompanying you will find an affidavit subscribed by him showing that he can take the oath necessary. Allow me to urge the filling of this vacancy at the earliest practicable period. If Mr. H. is appointed, and his appointment to take effect from the 1st inst. it would cover the time when he files his bond as such officer. In consequence of Special Orders No 66 from Dist Hd Qrs. I have suspended his action as an officer.

Also accompanying you will find copy of letter from County Judge of Caldwell County asking the appointment of Wm H. Murray in precinct No 1 of that County as Constable, which I respectfully recommend. I also desire to call your attention to suggestion of Judge Cowan that there should be a justice of the Peace and Constable, appointed for Beat No 3 (Prairie Lea) of that county. As he has recommended no one I am unable to do so. I hope however, that you will appoint some one, at least to act as a Justice of the Peace. You will find names of persons qualified to act from that precinct upon the memorials sent you from that neighborhood.

Very Respectfully Your obt svt
J. W. Throckmorton
Gov of Texas

Executive Department
Austin Texas April 26th 1867.

Messrs. Ballinger & Jack
Galveston, Texas.

Gentlemen - Yours of 22nd inst to Maj Watson is answered by me in his absence. I beg to urge upon you a settlement of this matter between the State and Messrs Droege & Co. at the earliest period possible. I take pleasure in stating for your information that the State has already secured a release from White, of the claim he set up to a portion of these bonds. There is no reason why this matter may not be settled at Galveston or Austin; and your clients will find that all I desire is a reasonable and just settlement to the State and to them. At the earliest moment you are in position to do so, notify me, and if you cannot visit Austin, I will send some one to Galveston fully authorized to act for me. I am, Gentlemen, Very Respectfully Your obt Svt
J. W. Throckmorton

Executive Department
Austin Texas April 25th 1867.

Maj Gen Sheridan
Comdg Dist, Austin, Texas,

General - I am in receipt of a communication from the County Judge of Lampasas County, stating that the laws are at defiance in that county &c He asks for a force of twenty-five U.S. soldiers to aid the civil authorities in the enforcement of the law. The Dist Court is now in session, and I think it will be in your power to send the troops at once. Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
April 29th 1867

Judge Pace
Lampasas Texas

Sir: I have called upon the military to send troops as you requested. Hope they will go. I think you will be energetic in enforcing the law - offenders must be punished. Aid Mr Yearley in getting up the necessary papers, so that I can offer a reward for Burleson. Respectfully

J W Throckmorton

Governor

Executive Department
Austin, Texas, April 29th 1867.

Maj Genl Griffin
Comdg Dist of Texas.
Galveston,

Genl - About 1st of March the Assessor and Collector of Bowie County resigned. On the 5th of April M. A. Bean was elected to fill the vacancy. Perhaps other elections have occurred not yet reported. I will be obliged to you for an early settlement of the question, whether or not persons elected after 2nd of March, and prior to your Special Order No 66, of April 15th, shall be commissioned by me, or whether such elections are void, &c. I would suggest on account of a prompt collection of the Tax, it is important that this question should be settled at an early moment. I am advised of a vacancy in the office of Justice of the Peace in Precinct No 1, Travis County. Mr John F Sinnen has been suggested as qualified to fill this office, and I would recommend him to your favorable consideration. I would suggest that in making appointments to offices where the appointees are required to give bond that the necessary orders be issued accompanying the appointment - this is especially necessary with the Assessors

Collectors, Justices of the Peace, County attys &c

I would also call your attention to the recommendation of Judge McGinnis of Wm H. H. Frisbin for Constable in Bastrop County, endorsed by me and herewith enclosed.

I am, Genl, very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin Texas April 29th 1867.

County Judge, Parker County

Sir. Enclosed for your information you will find copy of a communication to me from Maj Genl Griffin, and copy of a petition addressed to him by sixty citizens of Jack and Parker Counties. The charges therein made against yourself and the county commissioners and other officers of the County, as well as citizens, render it but an act of justice that you should be made fully acquainted with them. The laws must be enforced, and every person be protected in person and property. If this cannot be done in your county, I shall deem it a duty to call upon the military to see that it is so. You will furnish me at once with a statement as to the several matters charged in the memorials referred to, with such evidence, sworn to, as will elucidate the same. You will also be careful not to foment or create excitement or prejudice against any person of your County, who adhered to the general Government during the war. It is your duty as an officer to enforce the law, promote peace and good will among the people. I shall use every exertion on my part to have these charges fully and fairly investigated, if they are false full justice shall be done as far as possible to those who are wronged, and if they are true the guilty must suffer the consequences Very Respectfully, Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, Texas. April 29th 1867.

Hon. Jno. J. Good.
Judge 5th Judicial Dist.

Sir: Enclosed I forward for your information a communication this day received from Maj Genl Griffin, Comdg Dist of Texas, together with a copy of a communication to him from sixty of the loyal citizens of Jack and Parker counties. I do not deem it necessary to express any opinion in regard to this communication to Genl Griffin. If the statements are true they speak ba for the character of the citizens of Parker County, and for

ing of your State. If true, and not true bills returned a record be made accordingly. I shall request Govr. [illegible] to send [illegible] of discretion to which the [illegible] of your Court, so that we may [illegible] when the Court is in Session.

I would particularly call your attention to that portion of the communication which alleges that the [illegible] have had a hearing before a jury during the administration of the Hamilton and were discharged &c. You will investigate this matter and if they were tried and acquitted as a matter of course it is a bar to any further prosecution. If, however, they were not tried, and the Grand Jury failed to find a bill against them, and they were subsequently indicted, it is no bar and they are subject to trial. In the latter event you will see that the [illegible] furnish a sufficient [illegible] to protect them from any violence during their attendance upon Court.

You will also specially charge the Grand Jury in regard to the conduct of [illegible]. You will do the [illegible] service by [illegible] investigating the charges [illegible] and to forward [illegible] with the evidence [illegible]. If there be no [illegible] of wrong or [illegible] of duty and should your investigation prove the [illegible] of a dereliction of duty on the part of officers of the State or County, you will have them prosecuted to the extent of the law.

Your high character for [illegible] justifies the statement [illegible] Griffin that you will do your [illegible] and that violations of the law will not be [illegible] law abiding citizens will have [illegible] of your [illegible] for their [illegible] responsible for the [illegible] then [illegible] or [illegible]

It is hardly necessary for me to [illegible] the absolute necessity [illegible] that all [illegible] of the Court [illegible] should [illegible] prejudice, and that [illegible] feeling should be [illegible] citizens [illegible] aware [illegible] because [illegible] the [illegible] absolutely [illegible] true [illegible] the same [illegible] committed [illegible] been [illegible] this [illegible] prompt [illegible] point out a

bring to Trial the guilty parties, and it should be a stimulous to the law-abiding citizens of Parker County to aid the officers in the discharge of their duties, and redeem the character of their county from the name which lawlessness has attached to it.

With the hope that the energetic and impartial discharge of your duties will bring to punishment all offenders, and protection to all good men in your dist, I have the honor to be,

Most respectfully Your obt Svt
J M Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, April 29th 1867.

Hon W. Y G Weaver,
Judge of the 7th Judicial Dist

Dr Sir. I have been informed through Maj Geo Griffin, comd'g dist of Texas that persons who committed murder and other high crimes in Jack county, subsequent to the surrender have been permitted to go unpunished &c. That no indictments have been found &c, and that they are still at larger in the community, and are known. I am aware of the exertions you have made to have crime ferreted out and punished in your district. But as it has been charged by sixty of the citizens of Jack and Parker counties that our rebel Courts and juries do not attempt to protect the life and property of loyal Union men, and that they are persecuted unjustly &c. I have deemed it my duty to call your attention to these things in order that you may redouble, if possible, your vigilance and energy in matters of this kind. I would especially call your attention to a robbery of a Mr. Wiley Robbins' store in Jack County, since the war, and mal treatment of his father, a Mr. Lauty & Cosby, and the murder of a Mr. Fox, said to have been perpetrated by a party of Brooks' and others from Parker County. In the same connection I would call to your attention the murder of Mr. Heagler, who was arrested in Dallas County by a party of Robbins', of Fox's friends without any authority civil or military, and murdered by them in Jack and Wise county. I do not doubt your earnest desire to ferret out these matters,- and I know that it is not your duty or province to hunt up such things, but the condition of the Country is such that I feel confident in making the appeal to you for your personal exertions in the matter. Let me hear from you at your earliest convenience in relation to these things.

I am, Judge, most respectfully, Your obt Svt
J M Throckmorton
Gov of

Executive Department
Austin, Texas April 30th 1867.

Maj Genl Griffin
Comd'g Dist of Texas,
Galveston,

General – I have the honor to acknowledge your communication of the 26th inst. accompanied with copy of statement of "about sixty loyal citizens" of Parker and Jack counties.

I have read with care your letter, and with special attention the statement referred to. Without expressing any opinion as to the character of the communication to you, or probable motives that prompted it, I will state that I have been somewhat conversant with the ill feeling and troubles that have existed in Parker County during and since the war – doubtless having their origin, in a great measure, in political feeling. I know that outrages of the worst character were perpetrated upon persons of Union sentiment there during the war. And while such are the facts it is equally true that persons who adhered to the General Government during the war were not guiltless themselves, and especially is this the case with some of them in the counties named, since the war. But this is no extenuation of wrong, it matters not who perpetrates it.

As requested by you I herewith enclose you copies of communications addressed by me to the Hon. Jno. J. Good, Dist Judge of the 5th Dist and the Hon W. S. G. Weaver, Dist Judge of the 7th Dist and to Mr Henuter, County Judge of Parker County, showing my action in the premises. I beg to say that so far as Judge Good is concerned the censure is wholly unwarranted. I can confidently make the statement that he has not sought to oppress any one, nor to shield any one, on account of personal relations, or political sympathy. As a citizen, and as a Judge his reputation has no blemish, and I feel every assurance that he will discharge his duty impartially and with an honest determination to enforce the law. He was not a "rebel general" during the war. He was first a Capt. of Artillery, resigned, was then a private in the ranks, and afterwards on Staff duty as Lt. Col. I can speak in the same terms of commendation of Judge Weaver, whose district embraces Jack Co.

I would particularly direct your attention to the statement that the Thompsons during Gov Hamilton's administration "were called to answer for the killing of Brooks, had a hearing and were discharged by a loyal jury of their County, finding the case to be one of justifiable homicide." I presume you understand this as meaning that they were tried and acquitted. I apprehend that such is not the case. The first Grand Jury may not have found a bill, but such failure would not include a subsequent jury from investigating the facts. Parties state that these men (the Thompsons) are expected to again. I venture the expression of opinion that these men

not been arrested, nor do they expect to attend the court. You do me the favor to request that I shall protect these men in person and property, if the statements are true. I would most respectfully suggest, General, that outside of a posse comitatus, I have no power to protect persons or property. You are aware that by law of the Genl Government, I am prohibited from calling out the militia of the State for any purpose. But while this is the case, I can confidently rely upon the strong arm of the military power of the Government for such aid. And for this purpose, believing that a small force of U. S troops will be of service in Parker County, I most respectfully request that you will send such a force there as you may deem proper under the circumstances, in charge of an officer of discretion and judgment. I presume twenty-five men will be sufficient. In addition to this, as it may not be convenient to send the force indicated at once, I would suggest the propriety of sending a discreet officer there immediately to observe the operations of Judge Good's Court while in session, as well as for the purpose of investigating the truth of the charges made to you in the statement of the loyal citizens of that region.

You are pleased to say "such grave charges of mal administration if false should be disproved without delay; if true the remedy must be swift and effectual." In this sentiment I beg to concur most heartily. If the officers of the law are guilty they should not only suffer the penalty of such guilt, but they should be removed from office as soon as their guilt can be established. It is but simple and unadorned justice that they should have an opportunity to acquit themselves of the guilt charged — they now have the opportunity — should they fail to do so, or should an investigation prove the truth of the statements, the law has clothed the military with the power and authority to make the remedy "swift and effectual." I shall by no act of mine seek to smother investigation, screen guilt, or avert the blow when justice demands it should fall. All I ask or desire for the officials of this state, or the people, is an impartial and fair investigation into their conduct.

The spirit of frankness manifested in your intercourse with the authorities of the State justifies the belief that every effort will be made to discharge the delicate duties of your position with fairness and good feeling. Allow me to express a regret that I was not furnished the names signed to the statement, as it would have enable me to judge more correctly of the character and motives of the persons making it, and to thank you for your consideration in sending me a copy of the communication which has been the occasion of this letter. It affords me an additional evidence, to many heretofore given, of your desire to act fairly towards all parties in this. With the most earnest assurances, General, of my wish to

the lives and property of all classes of our citizens, and to see the laws properly enforced, I have the honor to be

Most Respectfully Your obt Svt

J W Throckmorton

Gov of Texas

Executive Department

Austin, Texas, April 30th 1867.

Maj Genl Griffin

Comdg Dist of Texas

Galveston.

General - In reply to your favor of 24th inst. touching the subject of relief for destitute persons of the State, I have to say that I have no further information calculated to show more definitely the necessities of the State in this regard than that heretofore suggested.

In addition to the localities heretofore mentioned, I presume Indianola and Lavaca, to stand as much in need as any other points. And I would add Brenham, in Washington County, Huntsville in Walker County, Henderson, in Rusk Co., Tyler, in Smith County, Columbus, in Colorado County, and Richmond in Fort Bend County. The points named being the centres of populous sections, and generally representing the localities containing the heaviest colored communities.

Should anything further occur to me whereby I can facilitate your wishes in this matter I will promptly communicate with you upon the subject.

I am, General, most respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

May, 1867.

Executive Department
Austin, Texas May 2nd 1867.

To the Hon— Judge of

Sir: Enclosed, for your information and observance, you will find official "Circular Order No 13," from Headquarters District of Texas, of date April 27th 1867

In view of the difficulties that must result, for the time, from an observance of this order ~~in the observance of this order~~ in the administration of the laws by the Courts of the State, I have transmitted a copy of the same to his Excellency the President, and requested his consideration of it.

In the mean time all officers should earnestly and diligently endeavor to discharge the duties that devolve upon them, in order to secure a faithful and efficient administration of the laws.

Very Respectfully
W. Throckmorton

Executive Department.
Austin, Texas, May 2nd 1867.

To His Excellency,
Andrew Johnson,
President U.S.
Washington, D.C.

Sir: I have the honor to transmit herewith, for your information, as Chief Magistrate of the Nation charged with the duty of seeing the laws properly executed, copy of communication this day received from Brvt Maj Genl Chas. Griffin, commanding District of Texas, together with official "Circular Order 13," from Head Quarters, Dist. of Texas, which is promulgated ~~issued~~ for observance in this State— which communication, and order are respectively marked "A" and "B," with Circular letter from this dept to the judicial officers of this State, in compliance therewith, marked "C," and my answer to the Commander of the District, in response to his communication and order, marked "D." I regard it as entirely unnecessary for me to comment upon this order, or the communication accompanying it. I ask of your Excellency, in the most respectful manner, to give this subject such consideration as its importance demands. If it is in accordance with the laws of the land, the authorities and people of this State desire to comply therewith, otherwise it is most desirable, for the furtherance of the ends of Justice and the prompt administration of the laws of the State, that such orders as are proper shall be issued to fa-

its continued enforcement. In this connection it may not be improper for me to observe that the Federal Judges, holding the Courts of the U. S. for this State have noted that the petit jurors of their Courts are not required to take the oath contained in the order referred to. I also remark that the laws of this State require jurors to be drawn at regular terms (twice annually) from the qualified list of jurors of each County under direction of the County Courts, kept on file in the respective County offices, and that no person is a qualified juror unless he is over 21 years of age, a white citizen of the State 12 months of the County 6 months a freeholder in the County or a free holder in the State and that he is eligible to vote for members of the Legislature. If this rule is enforced it will incapacitate the operation of the Courts for a time in many portions of the State.

I mention that in connection with this subject and to the end that your Excellency may know the disposition of the authorities and people of this State touching a compliance with the recent act of Congress upon the subject of reorganization I have taken the liberty to enclose copies of portions of my correspondence on this subject with the Military authorities in Command here. Mr. Lincoln is General Sheridan. See extracts from letter to Gen. Griffin. See letter of Gen. Sheridan, and a letter to Gen. Griffin; with copy of letter from Gen. Griffin to the Executive of Texas, dated Aug. 4th, and Circular of the Secretary of the State to the County judges in reference to said letter. The General Orders etc. from Mil. Dist. of Texas, dated Aug. 17th, and proclamation from this Dept. of Justice, requiring the removal of parties etc.

I regret to trouble your Excellency with these things, nor would I do so, if I did not deem it of the highest importance that you should be fully advised as to the disposition and wish of the authorities and of the people of this State to comply sincerely with all the requirements of the laws of the General Government.

I have the honor to be, most respectfully

Your Excellency's obt. Svt.

J. P. Newkirk

Gov. of Texas

Note. See proclamation of Gen. Sheridan dated 16th August 1867 Pamphlet digest pages 635 to 638.

Executive Department
Austin, Texas, May 2nd 1867.

Maj General Griffin
Comdg Dist of Texas,
Galveston.

General— Referring to your communication of the 29th inst, accompanying "circular order No 13," of date April 29th, and in answer thereto, I enclose circular from this Dept addressed to the judicial officers of this State, showing my action thereon. I also do myself the honor to enclose for your information ~~a copy of~~ copy of communication addressed by me to the President of the U. S. in relation to said circular order, and other questions some what connected with the subject of reorganization in this State.

The circular orders addressed to the Dist Judges and attorneys from your Hdqrs. through the State Dept, have been daily forwarded by the Secty of State together with my circular relating thereto. I regret that you did not furnish me with a greater number of the orders referred to, as there are about one hundred and twenty County Judges, and nearly the same number of County attorneys; several Judges and attorneys who have separate courts, besides, perhaps, six hundred or more Justices of the Peace,— all of whom require juror in their several courts. However, I presume the information will be sufficiently circulated through ~~the Justice Courts~~

I have the honor to be your obt Svt

J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas May 4th 1867.

Hon B. H. Epperson
Clarksville, Texas,

Dr Sir:— In regard to reimbursing you for expenses incurred in attending to the interest of the State, as agent to collect and reclaim the 5 per cent. U. S. Indemnity Bonds in the hands of Messrs White & Chiles, Oliver & Bro, Droege, Eolting & Co., and others, I have to say, that in addition to the two hundred and fifty (250) dollars heretofore paid you, on my orders, by S. M. Swenson, for expenses, I have this day directed Mr. Rayston, State Treasurer, to leave on deposit with Raymond & Swisher, of Austin, seven hundred and fifty (750) of the twelve thousand dollars recovered by you from White & Chiles, (perhaps White alone), and received from you through Mr. Swenson. I do not propose this as a final settlement of your expenses, and as compensation for what you have already done, but it proper to make this provision now— leaving the question determined further when the business is completed or no further for. It will be proper for you to make a report of your

as the prospect now is that the English part of the business may soon be brought to a settlement in Galveston.

Very Respectfully Your obt. Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, Mch 4th 1867.

Col. S. B. Hendricks,

Sir: Your favor of 12th inst is at hand. You say that Mr Davis' examination was purposely ex parte. You are not warranted in that assertion. You were notified of his presence and investigation, and was invited to attend. If sickness prevented your attendance (of which I have no doubt) you could not expect Gen. Davis to defer his business. Referring to your communication of 12 Jany last to Mr. Davis, you seem to be laboring under the impression that the authorities are acting out of a feeling of ill will. When you were here I thought I had given you sufficient evidence to satisfy you that no such feeling influenced me. The whole subject with your explanations were referred to the Legislature. Mr. Davis has been acting under authority of the law passed in relation to this subject. Therefore, I hope you will cease to complain and censure those who have duties to perform. I hope you have seen Col Walton, at Tyler. I entirely agree with you that when you and him get together and investigate these things, you can come to an understanding and adjustment of them. You express the hope that "every feeling of prejudice and unfair judgment, if any such exists will be discarded, and an adjustment be arrived at in the next sixty days." I know of no reason why Mr. D. or the Atty Genl should have any such feeling towards you – the matter is with them. As I informed you when here, no such feeling shall influence me – but I have nothing to do with it, more than to see that these gentlemen discharge their duty. But whatever they do will be entirely satisfactory to me. Yet, I am frank to say to you, that your letter to Mr. D. of 12th Jany and the one to myself of the 12th ult. has not favorably impressed me. Yet I desire the largest and most liberal course in the adjustment of your accounts; and you will find, I am quite certain, the most liberal treatment at the hands of the parties representing the State. It is impossible for me to furnish your copies of the papers desired by you to be sent to Huntsville. It will require much time and expense to furnish such copies, and to send the originals by mail would not be proper. I presume however, you can procure all copies of entries on the books at the Penitentiary and have them certified by the agent as correct and perfect your statements of your accounts when here. Hoping to see you soon, and trusting that you will be freed in your mind of any intention on my part to do you injustice, I am

Your obt. J W Throckmorton

Executive Department
Austin, Texas May 5th 1867.

Col George W Carter,
Atty and Agent for Gen. E B Nichols,

Col — Your communication of yesterday and memorandum of accounts of Genl E.B. Nichols as agent and Commissioner of the State is before me. I regret the want of the necessary vouchers (now in the hands of Messrs. Baldwin & Stances, as I am informed through Cate Provisional atty Genl) to verify several items of a large part of the account. I am quite willing to adopt the report of Messrs. Pease and Palm as far as it goes, and should anything occur that the vouchers referred to cannot be obtained, will rely upon the correctness of that report, in the settlement. It is believed however, that in a few days the vouchers and papers referred to above will be obtained from the parties in whose possession they were placed; and while I regret that I do not feel at liberty to make a final settlement with you at this time, yet I give you an assurance that as soon as the Atty Genl reaches here that the papers shall be placed in his hands with direction to spare no pains to make an immediate settlement, and bring the whole matter to a close. I would also suggest extracts from entries on the books to verify these items of the account, not alluded to in the report of Messrs. Pease and Palm, and referred to in your communication.

Expressing my appreciation of the efforts made by Genl Nichols to bring this matter to a satisfactory conclusion through you, I am Colonel, Most respectfully Your obt Svt.

J W Throckmorton
Gov of Texas.

P.S. — The Atty Genl shall correspond with you upon the whole question, as well as the suit now pending in Galveston, and with a view to occasion as little delay, expense and trouble as possible.

Executive Department
Austin, Texas May 6th 1867.

Maj Genl Griffin
Comd'g Dist of Texas,

Genl — Enclosed I send you a report made in reply to my enquiry, by the magistrate of Navasota touching the visit of U.S. soldiers to that place, some time since. I take the more pleasure in forwarding this communication because of the testimony it bears to the honorable conduct of the officers and soldiers who composed the party, as well as because it shows the people there do not endorse the statements made by the paper, which you did me the honor to enclose for my perusal. I am most respectfully Your obt Svt.

J W Throckmorton

Executive Department
Austin, May 6th 1867.

Col Davis Shirley
Adjt Genl State of Texas,

Sir: You will repair at once to Waco for the purpose of settling up the accounts and business connected with the removal of the Tonkawa Indians. I desire this matter brought to a close at the earliest moment, as I have turned the Indians over to the care of the U.S. military forces. You will arrange the packers and dispose of any public property that may be unserviceable, and account properly for the same.

The guns you received from the Indians, you will send to this point. That is, do not let such expenditure be beyond a reasonable amount, considering the value of the property, otherwise it will be best to sell the guns there.

As soon as you have finished this matter you will be relieved from duty temporarily, subject such time as your services as Adjt Genl, may be needed.

J. W. Throckmorton
Gov of Texas.

Executive Department
Austin Texas, May 7th 1867

Maj Genl Griffin
Comdg Dist of Texas

General – Referring to your endorsement on the application in the case of Wm W Spitler, recommended by the County Judge of Bastrop County, and myself, that he be appointed to fill the vacancy in the office of Assessor and Collector of Taxes, for Bastrop County, you are pleased to say, "you have recommended so many persons as qualified to take the oath and act as Registers, that I am disinclined and have decided not to appoint any to vacancies who cannot take the oath of July 1862." I respectfully suggest that by a reinspection of my correspondence you will find that I have not recommended a single person to act as Register. Acting upon your letter to me of the 4th ult and with an earnest desire to lend every aid in my power to the prompt and fair execution of the laws of Congress, I called upon the County Judges to furnish me the names of such persons, residents of their Counties as were known to them to be qualified and who could take the oath required of the Registers. In doing this I had no desire whatever to influence your elections, but simply to furnish you, as far as possible, the names of persons in the several Counties who could act, and without the slightest expectation that you would regard them otherwise than as useful information. I presume the reports are generally correct. As a matter of course it

impossible for me to know. Therefore I forwarded them, without recommendation, as I received them.

In regard to the vacancies, I could not for a moment believe that you would desire to be burdened with the delay and trouble of making investigations into the many cases occurring in the petty offices of justices, constables, assessors &c., and with the desire to aid in the prompt execution of the law and to promote the public good, I requested the county judges in making known the vacancies to recommend only such persons as, in my view, could hold these provisional offices, under the latter clause of the 6th Section of the Act of Congress of March 2nd. To that end and with the view to save time, I directed that persons recommended by them should subscribe the oath which would be necessary for them to take before entering upon the duties of such offices.

The public interest demands that the vacancies existing in the offices of assessor and collector of Bastrop county, and that of Comanche county, as well as other vacancies, of which I have heretofore notified you, with additional ones by this day's mail, should be filled at the earliest practicable period - and I urge upon your attention their earliest consideration.

I herewith enclose you notification to me from the County Judge, of Harris, in regard to vacancy in office of assessor and collector of that county; from the County Judge of Falls county of vacancy in office of Justice of the Peace; from Waldo, stating vacancy in office of Sheriff; and from Medina, showing vacancy in office of County Treasurer. All of which is respectfully submitted, with the request that you will give the same your earliest attention.

Very Respectfully Your obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Mar 8th 1867

Hon Hugh McCulloch
Secty of Treasury

Sir: Your favor of 21st Jany was handed me recently by Mr H B Coffee. Referring to the same I would respectfully suggest that the State cotton in question was purchased by the State with the view to exchange for machinery, and not for munitions of war.

I will be greatly obliged for a statement from your Dept as to the amount realized by the sale of the one hundred and five (105) bales of cotton in question, and the amount allowed Col Coffee for his connection therewith. I am quite satisfied Col C. was fully entitled to the amount he received, and am gratified that the same was allowed him. I am Sir, Your obt Svt.
J W Throckmorton

Executive Department
Austin, Texas May 14th 1867.

Maj Genl Griffin
Comd'g Dist. of Texas,

Genl — I take the liberty of enclosing a communication, received at this Dept from the Hon. R. A. Reeves, Judge of the 9th Judicial Dist., for your consideration. I would respectfully invite your attention to the remarks submitted by him in relation to the selection of Juries under Circular Order 13. Also in regard to the testimony of negroes in suits where neither their race or color, are parties concerned. As there is much perplexity in the minds of those who are charged with the execution of the laws of the State, and the observance of the Military orders, in connection therewith, it becomes a question, whether or not you should issue an order in relation thereto, with the view to make the discharge of the duties of the Judiciary as plain, and as little embarrassing as possible.

I am, General, very respectfully Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas May 15th 1867.

Maj Genl Griffin
Comd'g Dist of Texas.

Genl — I have the honor to acknowledge the receipt of your favor of the 10th inst. concerning vacancies &c. The appointment (or notification thereof) of Aleator for Bastrop County and in due time, for which you have my thanks.

In regard to the time that vacancies have occurred, the precise date, I have not been informed. But it may be assumed as almost certain that all heretofore reported, or that may be in future, have taken place since 2nd of March last, as before that time the County Judges could have issued writs of election. I will however, endeavor to obtain the dates of vacancies occurring in order that you may be fully advised in relation thereto.

It will require some time to obtain information as to a person qualified to act as Aleator for Comanche County, but I will write at once.

I am General
Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, May 16th 1867

A Sprunt Esq.
President Houston Tap & B.R.R.

Dr Sir: I beg to call your attention to the annexed statement of amounts due, on interest and 2% Sinking Fund by your company to the State of Texas, and would suggest that you give the matter your earliest consideration with a view to a prompt settlement. The total amount of interest due upon the bonds of your company to March 1, 1867, is - - - - - - - - - - $53,244.00

From which deduct Cr. Ballance 1.13

Leaving due $53,242.87

The law requires the annual interest falling due March 1 1867, to be paid on maturity, which has not been complied with in your case. The total amt of Sinking Fund past due and falling due amts to $42,000.00

Respectfully
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, May 16th 1867.

Col W J. Hutchins
Pres. H. & T. C. R R. Co.

Dr Sir:- I deem it proper to call your attention to the law regulating the collection of the 2% Sinking Fund on the Railroad Bonds held by the State. The collection has been neglected for some years back in consequence of the impression that the law requiring it, had been repealed; which impression was created by the repeal of the law providing for its investment, and not the law requiring its collection. The total amount of the Sinking Fund, past due, and falling due, after deducting the several payments made by the company is $67,200.00 on nine (9) Bonds, of the company, and I respectfully request you will give the matter your earliest attention The prompt manner in which you have met your payments of interest provided for by the last Legislature, deserves the highest commendation, and I have no doubt you would have been equally punctual with the Sinking Fund, had not this misapprehension existed in regard to it.

Very Respectfully
Your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin, Texas, May 16th 1867.

Col A. W. Gentry
Pres. T. & W. O. R.R. Co.

Dr Sir: I beg leave to call your attention to the annexed statement of interest and 2 % Sinking Fund account of your company, and would urge upon you the necessity of an early settlement

Interest

To interest on $450,500,00 from March 1. 1861, to March 1. 1866	$129,150,00
of which 1/8 has been paid amounting to	16 143 75
Leaving balance of	$ 113,006,25
To interest on $450,500 00 to March 1. 1867.	25,830 00
Total interest — —	$138. 836 25

By act of the 11th Legislature the annual interest due March 1. 1867, should have been paid at Maturity Your company has not paid in any portion of the Sinking Fund. The amt past due, and falling due this year, is in the aggregate, — — — — $58,860 00.

Respectfully Your obt Svt.
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas, May 16th 1867.

Genl Sidney Sherman
Pres. B B B & C R R

Dr Sir: I would respectfully call your attention to the interest and Sinking Fund account due by your company to the State and urge upon you the necessity of an early settlement.

Interest:

To interest on $418,000,00 from March 1. 1865 to March 1. 1867. 6% $75.440,00
Of which 1/8 interest (on all accrued to March 1. 1866) amounting to $6,120 00 has been paid into the Treasury.

The annual interest amounting to $24,480,00. and due March 1. 1867, is unpaid, though required by Law to have been paid on the 1st day of March 1867.

Sinking Fund:

There is due on the total Bonds of the Company of the 2 % Sinking fund. $59,400,00

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas May 16th 1867.

W. M. Sledge
Pres. Washington Co R R.

Dr Sir: I herewith furnish you statement of interest and Sinking Fund account of the Washington County Railroad, due the State, and would respectfully urge upon you the necessity of an early settlement.

Interest Account:

To interest on $64,680, 05 from Mch 1. 1865 to May 11th 1865	$ 754,90
" " " $37,017 00 from May 11th 1865 to March 1. 1866.	1,789. 00
	$2.543. 90
By one-eighth interest paid to March 1. 1866	317 98
To balance	$2.225 92
To one years' interest to March 1. 1867.	2221 02
Total interest due —	$ 4,446. 94

By Act of the 11th Legislature, the last year's annual interest should have been paid on the first of March 1867. Amount of 2% Sinking Funds due $9240. 00

Very Respectfully
Your obt Svt
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas May 16th 1867.

Jno. W. Watson
Pres. Southern Pacific R.R.

Dr Sir: Enclosed please find statement of interest and Sinking Fund due the State of Texas by the Southern Pacific Railroad Company and urge upon you the necessity of an early settlement.

Interest account.

Total amount of interest due to March 1. 1866,	$34,625 00
of which 1/8 interest should have been paid, in compliance with act of the 11th Legislature.	
To one years' interest on $150,000. 00 to March 1. 1867.	9,000 00
Total interest due	$43.625 00

The law required the annual interest due March 1. 1867. to have been paid on that date.

There is due the of the 2% Sinking Fund — $15 000 00. Thus you will observe that no payments have been made by the Company on account of interest or Sinking Fund.

Respectfully Your obt Svt
J. W. Throckmorton

Executive Department
Austin, May 20th 1867.

Maj Genl Griffin
Comdg Dist of Texas,
Galveston

Genl - In my letter to the President of May 2nd 1867 (a copy of which was sent you) in reference to your "Circular Order No 13." there appears the following sentence:-

"In this connection it may not be improper for me to observe, that the Federal judges, holding the Courts of the U.S. for this State, have ruled that the petit jurors of their Courts are not required to take the oath contained in the order referred to."

From a recent letter of yours to Judge Duval, of this city, I am led to believe you construe the above paragraph into a statement on my part, that Judge Duval, or some other Federal Judge, had ruled on the question in regard to your order. An attentive reading, however, of my letter, - with a reference to its date - May 2nd and to the date of your order, April 27th would have prevented any such misconstruction, as it was hardly possible, that between the date of its promulgation and receipt by me, and the date of my letter, the order could have been acted upon in any Court. What I meant was simply, that in the Federal Court, no such oath as that prescribed in your order, has ever been exacted of petit jurors; and such I repeat, is the fact. By the acts of Congress of 17th June 1862 - 12 Stat. 430, 2nd Vol Brightly's Digest, p 278, an additional oath (not the oath set forth in your order) may, in the discretion of the Judge, be administered to jurors; but I repeat, in no case, in this Federal District, has ever this oath been exacted of any petit jury. I regret that my letter should have been so misunderstood. It was not my purpose to state that any ruling had been had on your order in any Federal Court, but simply to announce that the previous practice of these Courts had laid down a different rule from that prescribed by you.

I am, General, very Respectfully Your obt Svt.

J W Throckmorton
Gov of Texas.

Executive Department
Austin, May 20th 1867.

To His Excellency
Andrew Johnson
President U.S.

Mr. President - By a letter of inquiry addressed to Judge Duval, by Genl Griffin, I am led to believe he misconstrues a portion of my letter to you of the 2nd of May, concerning his jury order No 13. To set the matter right with him, I addressed a communication to him of this date, and in order that you may understand fully my position, and that I had no wish to misstate the facts, I take

the liberty of sending you copy of my letter to him on the subject.
I am most respectfully your obt Svt
E M Throckmorton
Gov of Texas.

Executive Department
Austin May 20th 1867.

Maj Genl Griffin
Comdg Dist of Texas,

Genl – I have the honor to acknowledge the receipt of your communication, with accompanying papers, concerning the indictment pending in Dist Court of Clay county against J. G. McFarland.

Not understanding fully whether your communication is intended as an ~~official~~ order to the Dist Judge and Atty, directed through me, or whether you understand me as being clothed with the authority by law to order a dismissal of the suit, I deem it proper to call your attention to the fact that I have no such power, and it would be a violation of the laws of the State, for me to assume it. On the other hand, if it is an order from your Hd. Qurs. to the Judge & Atty for their observance, I shall transmit it as soon as advised of your desire in the premises. I also desire to be informed if it is expected the same action is to extend to the other indictments, copies of which were transmitted, or if it alone refers to the indictment against McFarland, as your communication seems to indicate only a dismissal in that case. In the mean time no injury can result to the parties by the delay, as the Court does not meet until September, at which time only can the case be properly dismissed, as the Dist Atty has no authority to dismiss except in term time, when the orders can be properly entered upon the minutes &c.

I am General very Respectfully your obt Svt
E M Throckmorton
Gov of Texas

Executive Department
Austin, May 24th 1867

E. H. Taylor
Pres. H. T. & B. R. R. Co.
Houston, Texas,

In answer to yours of 20th I have to state that the 1st interest due from your Company on 1st Jany 1866 was $3,692. Annual interest due 1st March 1867, $17,748 00 – Total interest now due, $21,445.50. This amount must be paid by 15th prox nino. I do not postpone the execution of the laws longer.

Your Road also owes $42,000.00, Sinking Fund that is due, and provision should be made to meet it. But owing to a former ruling in the Comptroller's Office, I have an excuse not to sell the Roads for this. One eighth more of the interest due before 1st of last March, will be due 1st July. This should promptly met.

Very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin May 24th 1867.

W. J. Anderson
Pres. S P R.R. Co.
New York,

Sir. Yours of the 12th inst. received. In answer I have to say that your Company owes $43,625.00 interest and $15,000.00 of the two per cent. Sinking Fund. Of this interest one eighth is due, under late law dividing the interest past due into eight semi-annual payments. This 1/8, 1st Jany 1867, was $4,328.12½. Then the annual interest, on the original debt of $150,000.00 amounting to $9,000.00, was due 1st of March 1867. I have no option as to this amount $13,328.12½, and if not paid by 15th proximo, the Road will be advertised. The $15,000.00, Sinking Fund is due, and should be paid, but I can plead some little justification by delay in regard to it. But steps must be taken to pay it also One eighth more interest will be due 1st July

The Memphis and El Paso Company, have never said a word against your Company to me. I have advised and urged a junction of the two roads in Dallas or somewhere in that region - the sooner the better.

I trust you will understand this matter; and that you may not only be able to meet the obligations due the School Fund of the State, but be entirely successful in your undertaking.

I am, very respectfully Your obt Svt.

J W Throckmorton

Gov of Texas.

Executive Department
Austin May 25th 1867.

Ingham S. Roberts,
Vice Pres. T. & N. O. R.R.
Houston, Texas,

Dr Sir:- After mature reflection, and with the view to giving the Railroad Companies of the State the fullest benefit of the Laws. I have determined to postpone the sale of any Road for present default of payment of the interest and Sinking Fund due the School Fund. I have notified the other companies that the annual interest due the 1st of last March, none have paid except the Central, must be paid on 15th proximo, as well as the 1/8 due under late law 1st of Jany last. The Sinking Fund is also due, but I feel that I will be justified in giving further time on this, as the payment of it falls ~~too~~ very heavily upon the Companies, and as a previous erroneous ruling of the Comptroller's Dept. of the Government had led them to believe this would not be required. But I desire the Companies to understand that provision must be made to meet this also in due time. I have already borne with the Companies perhaps more than a strict discharge of my duty would warrant, but I believe the best interests of the School Fund justifies my action. I trust the several Companies will appreciate the necessity and importance of meeting their engagements with the State promptly. Another Semi-annual payment of 1/8 of old interest under late law will fall due 1st of July which I hope you will be able to meet. The annual interest due 1st of last March must come in before the 15th proximo.

I am very Respectfully Your obt. Svt.
J. W. Throckmorton
Gov of Texas.

Note - Copy of the above to Hon Sidney Sherman, Pres. Buffalo B. & C. R.R. Co.

Executive Department
Austin Texas May 30th 1867.

To the Honorable
Commissioner Indian Affairs
Washington D.C.

Sir: Accompanying this I have the honor to submit for your action copy of letter from Hon. L. V. Bogy, Late Comr. Indian Affairs, to the Executive of Tex. concerning the purchase of supplies &c for the Tonkawa Ind. of date Dec 27th 1866, together with a short of the Adjt Genl.

State, showing the action and expenditures, as well as purchases made on the faith of the letter of instructions referred to, with his vouchers showing the expenditures, and the bills of purchase of beef, properly certified. The papers accompanying are marked, first, copy Comm. Boggy's letter, "A"; 2nd Report of Adjt Genl "B"; 3rd Abstract of supplies purchased, "C"; 4th the vouchers to the abstract, marked from No 1 consecutively to No 13 inclusive.

I would remark that in relation to the first paragraph of the Comm. Boggy's letter, the goods were received and properly distributed to the Indians, and report thereof made from this Dept. to your office. The freights were duly paid by the State, and the State has already received the same from the U.S. through the Indian Dept.

I would beg also to state that the Indians for many months had been wandering about through the settlements of Texas, and had finally lodged near the city of Austin, living upon the charity of the people. When the present State Government was formed, the Executive asked an appropriation from the Legislature to supply their immediate wants and to keep them from starvation until the authorities of the General Government could take charge of them. A copy of the law passed in pursuance of this recommendation is herewith furnished, and a statement of the expenditures by the State in carrying into effect that law, with the original vouchers upon which the money was paid out of the Treasury.

I have the honor to request that the Dept will examine the abstract and vouchers herewith, of purchases made upon the faith of the Commissioner's letter referred to, amounting to five hundred and ninety-eight dollars and fifty-five cents, and remit the same in order that the indebtedness may be settled. Of this amount it will be seen that the State has already advanced and paid out one hundred and eight dollars and thirty-five cents.

I beg further to present the expenditures of the State in behalf of these Indians, made in pursuance of the accompanying law, with the vouchers showing on what account such expenditures were made &c., as a just claim against the Government of the United States, and most respectfully ask that the same be allowed and paid,- amounting to one thousand five hundred and seven dollars and 22/100 ($1507 22) less the sum of forty dollars realized on the sale of oxen, sold by the agent of the State, after the removal of the Indians to Jacksboro

I have the honor to be Sir, most respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas May 30th 1867.

To Hon. Comr. of Indian Affairs
Washington D.C.

Sir: I deem it proper for your information to state that with the aid of the military authorities the Tonkawa Indians were removed to the frontier, and turned over to the care of Maj Starr, Commandant of the post at Jacksboro, on the 18th day of April 1867, since which time the authorities of the State have had no control of them.

It was the desire and intention of the Executive of the State to locate these Indians upon ~~the~~ lands of the State to be used by them as a home, and to aid them in adapting themselves to a life of industry &c. But the effort to control or restrain them by an Agent of the State proved entirely abortive as the State had not the power to enforce obedience. The Indians looking alone to the General Government for support and protection were little disposed to respect authority that sought to restrain them from licentiousness, idleness and the wandering life of beggary which they had adopted.

I would most respectfully urge upon the Dept. the necessity of locating these Indians near one of the frontier posts of Texas, and the placing of them under the charge of a Special Agent, or of the Commandant of such post. Situated in that way the warriors could render efficient service to the Government as guides, scouts and trailers, in campaigns against the hostile tribes. In the event this suggestion is not deemed proper, then I would recommend that they be sent without delay, to the Wichita Agency near Fort Arbuckle in the Indian Territory, with the other tribes, of which Agency they were living at the beginning of the late war.

Before closing this letter it may be proper to state that a copy of the letter of Commissioner Bogy, referred to in the accompanying communication of this date was turned over to the officer in command at Jacksboro, and it may be, that he will purchase beef for the Indians on the faith of the same. I would state also that should the Dept. deem it proper to settle these Indians in Texas, if they should be located upon any of the public domain of the State, that title will be made to the Indians for the same as long as the Indians may see fit to occupy it, and every facility will be afforded to make a selection of lands that will be suitable to their wants. I am Sir most respectfully Your obt Svt.

J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, Texas March 31st 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston

General – I have the honor to acknowledge your favor making enquiry concerning lands ceded by the State to the General Government &c and to say in answer that the information sought requires an investigation in the different Dists here and a search through the Executive records of all the Governors &c. By day after to-morrow, I will be able to make you certified copies of all the deeds &c, that will be, I presume, entirely satisfactory.

Enclosed please find reports of County Judges of Sabine County, as to registers votes, and precincts.

I am General very Respectfully Your obt Svt.

J W Throckmorton
Governor.

JUNE 1867

Executive Department
Austin, June 1st 1867

Maj Genl Griffin
Comdg Dist of Texas,
Galveston

Genl – In compliance with your request of 25th ult. asking information in regard to "Lands ceded on the annexation of Texas to the General Government &c", I have the honor to submit, 1st – a report from the Atty Genl of the State citing the general Laws of the State under which sales were made, and jurisdiction ceded. 2nd. a certified transcript taken from the Executive records showing, 1st. sales by the State and cession of jurisdiction to lots 1, 2, 3, & part of 4, in Block 439, city of Galveston. 3rd Cession of jurisdiction over parcel of land in Calhoun County. 4th Cession of jurisdiction over lot in Corpus Christi.
5th " " " " " " San Antonio.
6th Sale and cession &c to 79 acres on Galveston Bay.
7th Cession of jurisdiction over 15 92/100 acres in Bexar county. Also map and plat showing U.S. armory lot in city of Austin, to which no deed has ever been made as far as our records show, but which will be made if desired. Also copy of grant recently made to the U.S. for cemetery purposes in the State Burial Grounds near the city of Austin. Also you will find enclosed, copies of patents issued by the State to the U.S. for the tract of 25 acres of land mentioned, in Refugio county, and patent for the 79 acres situated on Galveston Bay.

I presume these embrace all the transactions existing between the General Government and State of the character referred to in your communication, except the sale and cession of the New Mexican Country.

I am General very respectfully your obt Svt
J. W. Throckmorton
Governor.

Executive Department
Austin, June 1st 1867.

Maj Genl Griffin
Comdg Dist of Texas,
Galveston

Genl – I have the honor to acknowledge the receipt of your communication

with inclosed memorial of citizens of Nacogdoches and Cherokee counties, asking Executive Clemency in behalf of the convict - T. C. Pearl. The memorial itself discloses much that would justify mercy, and the respectability and high standing of some of the signers, with whom I am acquainted, leaves no doubt as to the truthfulness of the statement made. Added to this, Genl, the appeal made by you in behalf of the afflicted and poverty stricken family, which does so much credit to your head and heart, I could not, were I disposed, fail to extend that clemency and mercy which erring humanity so often requires.

I have directed that the Clerk of the Dist Court of Cherokee County to forward copies of the necessary papers in order to lay the foundation proper for my action, and as soon as they reach me, will take great pleasure in complying with the prayer of the memorialists, and your request.

I am Genl most respectfully Your obt Svt

J W Throckmorton

Governor.

Executive Department
Austin June 1st 1867.

Col A P Wiley
Galveston, Texas

Dr Sir.

In answer to your communication touching the claim of Mr. Dye of Cameron County against the Penitentiary &c, I have to say that upon the reception of the papers inclosed, I handed them to the Atty Genl for his opinion touching the construction of the questions of law involved and the action of the officers of the Penitentiary. A copy of his opinion you will find inclosed.

Upon mature reflection I apprehend you will concur in the opinion expressed by the Atty Genl, and that you will not doubt the propriety of the Financial Agent paying such claims in currency - all other fees paid by the State to Sheriffs, Clerks and Dist Attys, are so paid. Your own good judgment, and knowledge of the manner in which Sheriffs have often imposed on the Superintendents of the Penitentiary, will convince you that it is the duty of that officer to scrutinize the accounts of Sheriffs closely, and not to pay for more guards than are actually employed, or for a greater distance than is actually correct. If Mr Dye had an order from the Judge for forty-five guards, and only actually had one guard it would certainly be an extraordinary act on the part of any officer knowing the fact, to allow him pay for forty-four guards that he never had, and an officer doing so would certainly con-

mit a violation of his duty and be subject to the gravest charges. If he had one guard less than forty-five, he should not have claimed pay for that one, nor should he receive pay for one mile more than the actual distance on the usual traveled route. If the Superintendent did not allow pay for a sufficient number of miles, and you will submit evidence that it is a greater distance than was allowed, I will take pleasure in ordering it paid; but I presume 450 miles is the real distance, and has long been regarded by other officers of the Penitentiary as the correct distance.

I regret that Mr. Dye should have sustained a loss, or been in a condition requiring him to sell his claim for the fabrics &c. but you cannot blame the Financial Agent for selling to him as he sold to every one else.

I have endeavored to enforce the most rigid scrutiny into accounts against the State, and to cause an economical and just administration of the finances of the State, and I trust my dear Sir, that your sympathies, as an ally or as a citizen, will not permit you to find fault with such officers as endeavor faithfully to adhere to the law in the discharge of their duties. Believing that you will, upon a careful examination of all the facts connected with this case come to the conclusion that Messrs. Dickson and Gillespie have done what duty required of them and no more, and that Mr. Dye should not receive more favor in proportion to his services than any other Sheriff or citizen of the country. I have the honor to be, most respectfully

Your obt Svt.

J. W. Throckmorton

Governor.

Executive Department
Austin, June 3rd 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston

General – The "Extract" from asst. Asor U.S. Revenue, J.P. Kean's communication to you touching sale of property in Victoria, under execution, and refusal of Sheriff to take legal tender currency &c. also copy of J. B. Bridgen's communication to you on the subject of the Stay Law, and judgment of the Court thereon, with your endorsement on each, is received.

In answer to the first, I have to refer you to ordinance No. 11. seventh section thereof, passed by the Convention on 30th March 1866. If the defendant had made any effort and had testimony to show that the debt was contracted to be paid in in confederate money, the Court would have given judgment only for the specie value of the confederate money. Therefore

I take it if the defendant has been injured in this case it results alone from negligence, and a Sheriff without permission from the plaintiff could not do otherwise than sell. Again, if the plaintiff thought himself aggrieved by the judgment as to the debt, or as to the ruling of Judge Holt, that the Stay Law was unconstitutional, in either case, he could have appealed his case to the Supreme Court, which would have prevented an execution being issued. Even after the execution issued he could have enjoined, by giving a bond that would have secured the creditor. Therefore his remedies have been abundant, and perhaps no blame attaches to any one but himself. On the subject of currency being a legal tender our District Judges have decided differently, and I am not aware that our Supreme Court have ever determined it. The bar have been much divided in opinion on the question. But in future, I presume, there will be no doubt, as I believe, the Supreme Court of the U.S. have decided that U.S. currency is a legal tender &c.

In regard to the Stay law, I have to say that any debtor who has a judgment rendered against him, and an execution awarded, has a remedy by injunction. I have been informed that Judge Ireland of this District, has informed the bar that he would grant an injunction; in order that the question may go before the Supreme Court. This course would give quite a stay, as it is not likely that the Supreme Court will very soon settle the question; or debtors may appeal on writ of error to Supreme Court, which will operate in some manner.

I have heard of no complaint as to the Judges deciding the Stay law unconstitutional, except from one other place, besides the information your referred to me.

I would beg to call your attention to the fact that the United States Courts are not bound to regard our State laws upon the subject of the collection of debts, and any interference by the military authorities that would operate upon the State Courts and not upon the Federal Courts, would work a serious discrimination between the classes of debtors in the State. The people of the State owing commercial and other debts to citizens of other States would be at the mercy of such creditors, and wholly unable to collect debts due them at home. This is indeed, in my mind now the case, as I believe executions have not been obtained in but few localities, under decision of State Judges, except it be in accordance with the provisions of the present Stay Law. Therefore, should you deem it within the scope of your authority to issue any order on this subject, I would most respectfully suggest that such order should apply equally to the

Federal as well as State Courts. The question is one of great delicacy, and I feel that interference with these things is more likely to work a serious and general injury, by causing distrust and doubt, and by encouraging negligent debtors and by giving dishonest ones opportunity to dispose of their property, than any great good that can be effected. A few very worthy may suffer by the regular operation of the Courts, - and, on the other hand, many may equally suffer by being debarred the means of securing their debts. I would further suggest that any order on the subject should specially except debts due the State, counties and other municipalities, and debts contracted since 1st Jany 1867. Large sums are due the State from Rail-road companies, purchasers of University lands, defaulting officers, and from other sources. The Railroad companies and University land purchasers have the benefit of stay laws on their debts past due.

I trust you will not deem it inappropriate for me to observe, in the event of an order on the subject, that the debtor should be required to secure the creditor in the final payment of the debt.

I am, General very Respectfully Your obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas 24th 1867.

Hon B. H. Epperson,

Dr Sir: Enclosed you will find copy of letter from Mr. George Taylor of Washington, in regard to the suit of the State vs. White, Chiles, et al. You will observe he asks for certified copy of your power, also the law of our Legislature under which the suit was brought, and an additional power &c. The first two have been forwarded to him. The additional power of atty is herewith enclosed for your inspection. If you deem it proper and right, you will forward. If it should interfere with or be contrary to your judgment, as to the proper manner of conducting the business, or not have you the control &c you will return with ~~the~~ such suggestions as you deem proper.

Yours Respectfully
J W Throckmorton
Gov of Texas.

Executive Department
Austin, June 4th 1867.

Hon. B. H. Epperson,

Dr Sir: Enclosed you will find statement of the Oliver & Bro. acc. with the State of Texas. You will remember that an ordinance of our late Convention precludes the payment by the State of any war debt. The Military Board of Texas acknowledged that the State owed Oliver & Bro, $10,042.62, a war debt. But the same settlement showed that the W.S. Bonds that O&B had in their possession were not included, and had nothing to do with that settlement.

The original letter of Mr. Wilson and the acknowledgment of the receipt by Oliver & Bro of the Bonds and Coupons, shows that they did not purchase them, but received them as agents of the State, to sell &c. They never paid a cent for them. Therefore, if they do not settle with you on terms you force, you will take counsel and sue for the money - the entire amount.

Very Respectfully
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, June 4th 1867.

George Taylor
Washington, D.C.

Dr Sir: Yours of 4th received; for which accept my thanks. Herewith you will find certified copy of Power of Atty to Mr. Epperson - certified copy of the law authorizing the Executive of the State to recover the Bonds &c. Also copy of our late General Laws - and copy of contract with yourself et al

The additional power to you to recover has been made out and this day forwarded to Mr. Epperson at Clarksville, Texas, for his inspection, with instructions if it meets his approval and is not in conflict with his instructions to proceed to you. I have no doubt it will meet his approval. But knowing his views, and having conversed very fully with him in person, it was deemed proper for his information &c.

Very Respectfully
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin, June 7th 1867.

Maj W. M. Walton
Atty General -

I suppose that Col Stapp only expects the producers tax on cotton assessed at the Penitentiary. If the cotton was assessed in hands of producer, he must collect from the party in whose hands it was assessed.

I shall direct the Financial agent to pay this tax, - and have him prepare the necessary papers and ask the Comr. of Internal Revenue to refund. Where it has been assessed I see no way but for the State to pay, and then get the Dept. to refund if it has been illegally assessed. So inform Mr. Stapp.

Your obt Svt
J W Throckmorton
Governor.

Executive Department
Austin, June 7th 1867.

Dr D. C. Dickson
Financial Agent
State Penitentiary

Dr Sir: I have failed to receive advices or instructions from Washington, as to tax on cotton for which the Penitentiary is liable. I am notified by Mr. Stapp that he will proceed under the Law to collect the tax. Walton, the Atty Genl, is gone to Galveston, and I have instructed him to see Stapp. But whatever assessment has been made (of the producers tax) upon cotton in the hands of the Penitentiary you had better make preparation to pay. This being assessed Stapp has to collect unless he could get an order to the contrary. I will send you a form in a few days which I wish you to have the assessor to certify is correct as to amount of cotton assessed in your hands, and then to be forwarded to Stapp, for him to certify that it has been paid. Upon this I expect to get the money so paid, refunded. I premise they do not expect us to pay upon any cotton that was assessed in hands of producer, or assessed before it came to the Penitentiary. Nor do I suppose they are claiming the manufacturer's tax. Let me know the amount &c

Yours Truly
J W Throckmorton
Gov of Texas

Executive Department
Austin, June 7th 1867.

Hon G. H. Noonan
Judge 4th Dist
San Antonio

Dr. Sir: I telegraphed this day to yourself and the comd'g officer at San Antonio, concerning an escort. I have also written to the officer in command, to-day. I trust the escort will be furnished. It is highly important that you hold the Courts at El Paso.

I have received report from County Judge of El Paso, in regard to the matter referred to you of imprisonment of citizens of Texas, in Mexico. He says they have been liberated, but also says he will not report to you, and evidently disregards all law. You will thoroughly investigate the matter if you go out. If the officer has done wrong have him legally proceeded against.

Yours Respectfully
J. W. Throckmorton
Gov of Texas

Executive Department
Austin, June 7th 1867.

To the Officer Comd'g
U. S. Troops
San Antonio,

Sir: I telegraphed you to-day asking for an escort for Judge Noonan, to El Paso. It is highly important that Judge Noonan, should hold his courts there, and unless the Military authorities can furnish him an escort it will be impossible for him to make the journey in time. It will be a public benefit and greatly facilitate the administration of the laws of the State, if Judge Noonan can be enabled to reach El Paso in time for his Court to sit. I have directed him to confer with you.

I am, Sir, very Respectfully Your obt Svt
J. W. Throckmorton
Gov of Texas

Executive Department
Austin, June 8th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston

General – The application of Lightburn and Lander to the military authorities for appointment to the position of Bar Pilot at Brazos St. Iago, with your request for the appointment of Mr. Lightburn, was received this morning. In answer thereto I have to say that Mr. Lightburn was appointed by me to the position asked on the 2nd of April last, with instructions to forward his oath &c to Dept of State. Since then, some weeks ago, the oath of office, required by your orders, was forwarded to him with request to subscribe the same and return in order that the same could be forwarded to your Hd. Qrs. for approval. The Board of pilot Commissioners were also instructed to approve his Bond when presented and report &c.

I am, General, very Respectfully Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, June 8th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston

General – Herewith you will find a report from County Judge of Parker County in response to the memorial to yourself from the "loyal citizens" of Jack and Parker counties, a copy of which you furnished this Dept.

I deem it unnecessary to remark upon any portion of the report except that in reference to the committee of citizens ordered to be raised by Major Wm Quayle, then comdg State Troops on the frontier. I am familiar with the facts and circumstances under which that order was given, and know that it was for the express purpose of putting down mob violence, of sustaining the due administration of the laws and to give lawful protection to persons who were charged with being loyal to the government of the United States.

I would state further that I am informed that the origin of the robbery of Robbin's Store, and the murder of Fox, in Jack county, mentioned in the memorial referred to, grew out of violence upon a man by the name of Wilson, and the destruction of tobacco, whisky &c., that he was selling in that county. That on account of his having been a Confede

Colonel Robbins, Fox, and friends, abused him, destroyed his property, and shot at him and ran him off. Wilson then collected a party, returned, robbed the Store and Killed Fox. Afterwards Fox's friends went into Dallas County, without authority ~~authority~~ arrested a man by the name of Heaggler, or Heagler, took him back to Jack County, and Killed him. This I believe to be a correct review of the affair. I have as yet been able to obtain no official statement of the facts.

I am, General, very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin, June 10th 1867.

Maj Genl Griffin
Comd'g Dist of Texas
Galveston,

General— Upon examination I find I retained no copy of Judge Reuben A Reeves' letter to me, forwarded to you some time since. I will be greatly obliged if you will return the original, or cause a copy thereof to be sent to me.

I am, General, very Respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department
Austin June 12th 1867.

D. C. Dickson
Financial Agent Penitentiary,

Dr Sir: Enclosed I send you a form to be observed in making application for refunding of Taxes supposed to be improperly collected. If I understand this correctly, it has to be forwarded through Mr. Staples, and perhaps receives his endorsement. You will please examine the law, and take such steps as you deem best to get the tax refunded; and present to the Comr of Revenue at Washington, such argument as will support the claim. Also forward me a copy and I will also address him on the subject. I know of no other way by which we can have the question directly settled, as no reply has ever been made by the Secty of the Treasury to my argument on the subject.

I am very respectfully Your obt Svt

J W Throckmorton

Gov of Texas.

Executive Department.
Austin, June 17th 1867.

Mr. S. M. Swenson
No 26 Exchange Place
New York.

Dr Sir: Your telegram of the 13th informing me that Oliver & Bro proposed to take $10,000 specie, and 12 per cent from Dec 22 1864, and the State the remainder of the funds in the hands of the Trust Company, was received. Your answer of the 15th in reply to my enquiry as to amount in hands of trust company, also received - stating that $25,500 in specie or its equivalent was subject to division &c, - that $2,000 of this amount had been withdrawn by the agent (Mr E. I presume)

By the enclosed statement of the account of Oliver & Bro. with the State you will see that I charge them the same rate of interest they charge us, 1st on the Bonds after their maturity, because had they delivered or returned the Bonds to Texas, we would have received the specie on them when due; 2nd we charge them the same interest on 40 Coupons after Jany 1st 1862, which were matured at time of delivery to them May 14th 1862. 3rd Then we charge them the interest on the remainder of the Coupons after their maturity. We assume here that the deposite with the Trust Company was made the 1st of May 1867, at which time interest in the account of the State and Oliver & Bro. should cease. If the deposite was made at any other date you can correct the account accordingly. The account as stated shows an indebtedness by Oliver & Bro to the State of $30,736.25, and gives them a credit of $12,890.25, leaving a balance due the State of $17,846.

You will bear in mind that all indebtedness created by the military Board has been repudiated by our late convention. These Bonds were furnished Oliver & Bro by Jas T. D. Wilson, the agent of the Military Board, to sell, the proceeds to be returned to Texas. See Wilson's (original) letter to them, and their (original) letter to him acknowledging the receipt of the Bonds and Coupons, proves

If we go into the Courts we will not allow the $10,000, and I feel satisfied they cannot recover it, and we are abundantly able to prove that they never paid one dollar for these Bonds. But if they are disposed to settle according to the account as herewith stated, or near it, you are authorized to close the business at once, and retain the funds until Mr. Ewenson's arrival in New York, which will be in July. If these terms do not suit the parties, you will let the business remain as it is until Mr. E reaches New York, and he is authorized to settle as he may think best, or prosecute a suit. I would be willing for you to exercise the same discretion as Mr E. but for the fact that he has taken counsel, and is fully advised of all our remedies &c. Mr. E's letter to me stating time and amount of deposit with Trust Company failed to reach me

I shall write you in a few days on other matters. I have no news of Hunt - we have had no mails from Houston for a week on account of high waters &c.

I am very truly your friend,

J. W. Throckmorton
Gov. of Texas.

Executive Department
Austin, June 17th 1866.

Hon. R. D. Evans
Galveston Texas

Sir: I am in receipt of the following telegram from Gov. Swenson:

"New York June 15th 1866.

"If you will settle with Chas. Allen, paying them $10,000 specie and interest at 12 per cent from December 1864, and receive all the funds obtained from United States, for 20 bonds, then authorize me to withdraw the funds from U.S. Life Insurance and Trust Company. Give the authority at once and telegraph. C. W. Swenson"

"New York June 15th 1866.

"In Trust Company about $21 000 - withdrawn in agent about $2000 - subject to division about $25.500, checks or equivalent.

C. W. Swenson."

The second one was in reply to an enquiry made by me. I have this day mailed him copy of the accompanying account, and instructed him if the parties will settle by these figures to do so and hold the remainder of the funds until your arrival in New York otherwise to hold on until you get there. You will observe a slight discrepancy in this account and the one sent you some days since. It arises from a different rule as to date in calculating the interest. This last I believe to be the correct mode. The date of deposit with Trust Company not being known by me has been assumed, if another date is the true one, the calculation should be made to correspond with it.

I have no news from Watson yet, nor from Ballinger and Jack. Looking for Watson every day. I wrote to Swenson. You would be in New York in July. We have had no Houston mail for a week - nothing new by telegraph.

Yours truly

J. W. Throckmorton
Gov. of Texas.

Executive Department
Austin, June 22nd 1867.

To His Excellency
Andrew Johnson
Washington, D.C.

Sir: Your attention is respectfully invited to the accompanying Special Order, No 65, from Hd. Qrs. of the 5th Military District, together with the memoranda of the Constitution and Laws of this State, furnished this Dept by the Atty Genl of Texas touching the Judicial Districts, and the enactments under which they have been formed.

In order that you may have a clear and distinct understanding of this subject, it is deemed proper to state that prior to the late Convention, there were twenty Judges, and twenty Dist. attorneys, a number of them having but little labor to perform. In consequence of this, and to reduce the expenses of the Judicial Dept. of the State as far as practicable the Convention adopted an Ordinance directing the Legislature, in the event of the adoption, by the people of the amendments to the Constitution, to re-district the State, so as to allot to each Judge, as near as practicable thirty-two weeks of Judicial Labor in each year.

The election for Judges took place at the same time the amendments to the Constitution were voted upon. Hence the Judges knew that if the Constitutional amendments were ratified by the people some of them would go out of office; when the Legislature acted - See the ordinance, page 47 No 17. of the Constitution herewith sub. - See also acts of the Legislature, pages 26 and 28. re-districting the State. By reference to the ordinance it will be observed that it was adopted on 2nd March 1866, and the election took place the following June. The acts of the Legislature were passed October 11th 1866, to take effect 31st December following.

The Special Order referred to would lead to the inference that only two Districts were abolished, when in fact there were five abolished. The order declares the Law of the 11th of October 1866, which abolished the fourth and eleventh districts void, but says nothing of the act of the same date which also declared the 4th and 11th and other districts abolished. The difference between the two acts consisting in this - that the first abolished the 5th, 9th, 11th, 14th, 17th and 4th Districts, and the Supplemental act amended, this, (the 18th Section of the law,) by leaving the 14th District out, and retaining it as one of the Judicial Districts of the State. Thus it will be seen that the Legislature have acted in pursuance of an ordinance of the Convention, and abolished five instead of two of the Judicial Districts.

It is respectfully submitted, that there is no warrant or authority of law either National or State, to sustain the legality of Special Orders No 65 herein referred to.

If this order is permitted to remain in force it will lead to the most serious confusion and inconvenience in the due enforcement and administration of the Laws. Four Judges will exercise jurisdiction in two districts and other Judges not affected by this order will also be holding courts in one of the old Districts as attempted to be restored. If the Judges are restored, as a consequence the District Attys, elected when they were, must also be restored. If persons are thus to be forced into office, when there is no State law providing for the exercise of their functions, it is presumed the same power will enforce payment of their salaries when there are no laws or appropriations under which they can be paid. Your Excellency's early attention and action is earnestly and respectfully solicited, with the hope that the Executive of Texas may be notified of whatever action is deemed proper in the premises

The Executive of Texas would further submit, for the information and consideration of the President, the fact, that by order of Brevet Major General Chas. Griffin, Comdg the Dist of Texas, the Judges & District Attys of this State have been required to dismiss prosecutions for criminal offences against the laws of the State. In some instances the papers and records of the Courts pertaining to particular cases have been destroyed, by order of the military authorities.

Herewith is enclosed a communication from Maj General Griffin, to the Executive of this State, of date May 14th 1867, in which the General expresses his desire that the indictment referred to be dismissed from the docket and set aside. To this it was replied on the 20th same month, that the Governor of Texas had no such power, and it would be a violation of the law, for him to assume it, but that if it was intended as an order to be transmitted to the District Judge and Atty, that the same would be done &c. In answer to which the letter enclosed, of the 27th May, was received, stating that the necessary orders had been issued to the Comdg Officer of the Post at Austin.

The letter of J. G. McFarland, report of G. Richardson, copies of Indictments &c., referred to in the above communications of Maj Genl Griffin, are also enclosed. It is proper to remark that the persons alluded to by McFarland, as imprisoned in the Jail at Austin, were arrested and confined for some months by order of the military authorities who commanded in this State during Gov. Hamilton's administration - that some of them were released upon application made to the provisional Judge, appointed by Gov Hamilton and others were released by order of the military and sent to their respective counties for trial by the civic authorities, before the formation of the present State Government. It is suggested that the statement made by G. Richardson, is based upon ex parte testimony, hunted up in different localities, and

not even the testimony given, but only the names of witnesses, and a part of the witnesses the parties who are indicted, and whom the the order is intended to relieve.

Also inclosed are orders from Bvt Brig Genl James Oakes, Comdg Post at Austin, to dismiss certain causes marked "3" and "4". Also orders from Lt Plummer Comdg Post at Prairie Lea, marked "2" and "5" with the letters of Hon. Jno Ireland, Judge, of the Dist. Court, transmitting said orders to this Dept. It will be observed that this power of the dismissal of suits from the Courts of the State is exercised by the Comdg General of the Dist. and by officers of lower rank, down to a Lt. Comdg a Squad.

It is not denied that under the late acts of Congress the military commanders of the different districts have the power to withdraw for trial before military tribunals, cases where the State Courts fail to administer justice. But it is submitted whether the power is granted, either in those or other laws to finally dispose of such cases without having the parties or causes, tried by a military Court. If no such power is granted or exists, such action and orders are invited, as may be proper; if the power has been properly exercised, such information is respectfully requested.

With great respect your Excellency's obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin, June 25th 1867.

To His Excellency
Andrew Johnson
Washington, D. C.

Sir: Enclosed for your information, is special order No. 109 from Head Quarters District of Texas, removing the Mayor of the City of Galveston. I presume the question of power in the military authorities to make such removals, has been settled by the Government authorities, and the necessary orders issued in regard thereto, but no such information has yet reached me, and I judge it proper that you should be informed on this subject officially.

I am, Sir, most respectfully your obt Svt

J W Throckmorton

Gov of Texas

Executive Department
Austin, June 25th 1867.

E. M. Randall,
Agt Treasury Dept.
Washington, D. C.

Dr Sir. I have the honor to acknowledge your favor of the 12th inst., for which I am under special obligations. The plan proposed by you to ascertain the amount of Taxes collected from the people of this State, and to adjust fairly the acc. between the Government and the State, is so very plain and concise, as well as just to the Government and our people, that I sincerely trust it may be adopted. I shall lose no time in addressing the Secty of the Treasury, upon the question, with the hope that he may present the same to Congress.

Be pleased to accept the assurances of respect entertained for you, Dr. Sir.

Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, June 25th 1867.

Hon Hugh McCulloch,
Secty of Treasury,
Washington, D. C.

Sir: I have been favored by E. M. Randall, Esq., special Agent of the Treasury Dept. to investigate the collection of Taxes, by the Commissioners of the U. S. for Texas, with extracts from his report to the Dept., in which he proposes a plan for the payment of the Taxes yet due from the State, which will enable the Government to ascertain correctly the amount collected, and at the same time do justice to that clas of persons who may have paid more than was due from them under the Law. The proposition of Mr. Randall, seems to me not only just and equitable to the Government, and the State, but equally so to the individuals who may have paid more than was proper. His suggestions appear to me eminently practical, and are so plain, concise and reasonable, that, representing the interest of the State, I feel called upon to urge the subject upon your careful consideration, with the hope that you may so far approve the plan of Mr. Randall as to present the same to Congress for favorable action.

I have the honor to be most respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, June 25th 1867.

Maj Genl Griffin
Comdg Dist. of Texas
Galveston,

General - I have the honor to acknowledge the receipt of your communication of the 21st inst. with enclosure, requesting pardon for McGlothlin, convicted of theft, and now confined in Harris county jail. I write by to-days mail to Mr. A. P. Thompson for certified copies of the indictment, finding of the Jury &c, in order to have the legal papers upon which to base my action. In the mean time the papers forwarded will be copied, and the originals returned to your Hd. Qrs. Although the statement made by the Counsel Mr. Thompson, conclusively establishes the guilt of McGlothlin, yet the irregularity of the officers of the Court in not rendering judgment, and this being no fault of the prisoners' making it a question of doubt as to the future action of the Court, the long length of time the prisoner has been in jail, and the probabilities of much longer confinement, renders the case one, in my judgment, in which the pardoning power may be properly exercised.

I am, Sir, very Respectfully your obt Svt
J W Throckmorton
Gov of Texas

Executive Department
Austin June 26th 1867.

To the Honorable
Commissioner Indian Affairs,
Washington D.C.

Sir: I have the honor to enclose for settlement the claim of William Peterson, who has furnished beef to the Tonkawa Indians, since they were placed by the authorities of the State, in charge of the military of the General Government, - with the communication of Major S. H. Starr of the U.S.A. late comdg officer at Fort Belknap, ~~and issued~~ under whose supervision the beef was purchased and issued. The early attention of the Commissioner is respectfully requested.

Very Respectfully
Your Obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, July 3rd 1867.

Maj Genl Griffin
Comd'g Dist Texas,
Galveston,

General - I will be greatly obliged if you will furnish me a copy of the Instructions issued to the Boards of Registrars for their observance.

I have the honor to be, Genl, most respectfully
Your obt Svt
J W Throckmorton
Gov of Texas.

Executive Department
Austin, July 10th 1867.

Maj General Sheridan
Comd'g 5th Mil Dist.
New Orleans,

General - Extract 1. Special Orders No 65, dated June 10th 1867, was received at this Dept. some days since from Dist Hd Qrs., and forwarded to Judges Stubbling and Bacon.

Very respectfully Your obt Svt.
J W Throckmorton

Executive Department
Austin, July 10th 1867.

George B Nichols,
Galveston Texas

Sir: Tipton Walker, having been appointed, by the Hon. Jno. C. Watrous, Judge of the U S. Circuit Court, for the Eastern Dist of Texas, Receiver of the Galveston, Houston and Henderson Railroad, and the said Walker having applied, through his agent, Henry T. Andrews, to the State authorities, for the amount of land to which said Railroad company is entitled, under the laws of this State; this is, therefore, to authorize you as Special Engineer of the State to examine said Road and report under oath, the number of miles of said road that has been completed in accordance with its Charter, and the laws of the State, in relation thereto, and for which said Railroad company ~~are~~ is entitled to receive lands from the State

You will examine the Charter and amendments thereto, the general laws of the State, and all acts in relation to said Railroads, and specify in your report the number of miles built, setting forth the date of completion of the first twenty-five miles, and also the date of completion of each section subsequently of ten miles or more, and amount

of land to which said Company may be entitled under the laws referred to. Evidence will be taken of anything which is a matter of fact and sent with your report. You will also on your oath, state that you are not a stockholder or creditor, and have no pecuniary interest in the road.

The Railroad Company will pay you for the services you render under this authority.

J W Throckmorton
Gov of Texas.

Executive Department
Austin, July 13th 1867.

Maj Genl Griffin
Comdg Dist of Texas.
Galveston,

General – I have the honor to acknowledge your favor of 8th inst., enclosing circular orders Nos 12, 14, 16, 19, and 20 in answer to mine of the 3rd in which, I asked for "copy of the Instructions issued to the Boards of Registration for their observance."

In connection with this subject I herewith enclose, and beg to call your attention to, a copy of the rules under which the Board of this county have been acting; at least I have so understood from reliable authority. I beg to know if the same meets with your approbation.

I am, General, very Respectfully your obt Svt
J W Throckmorton
Gov of Texas.

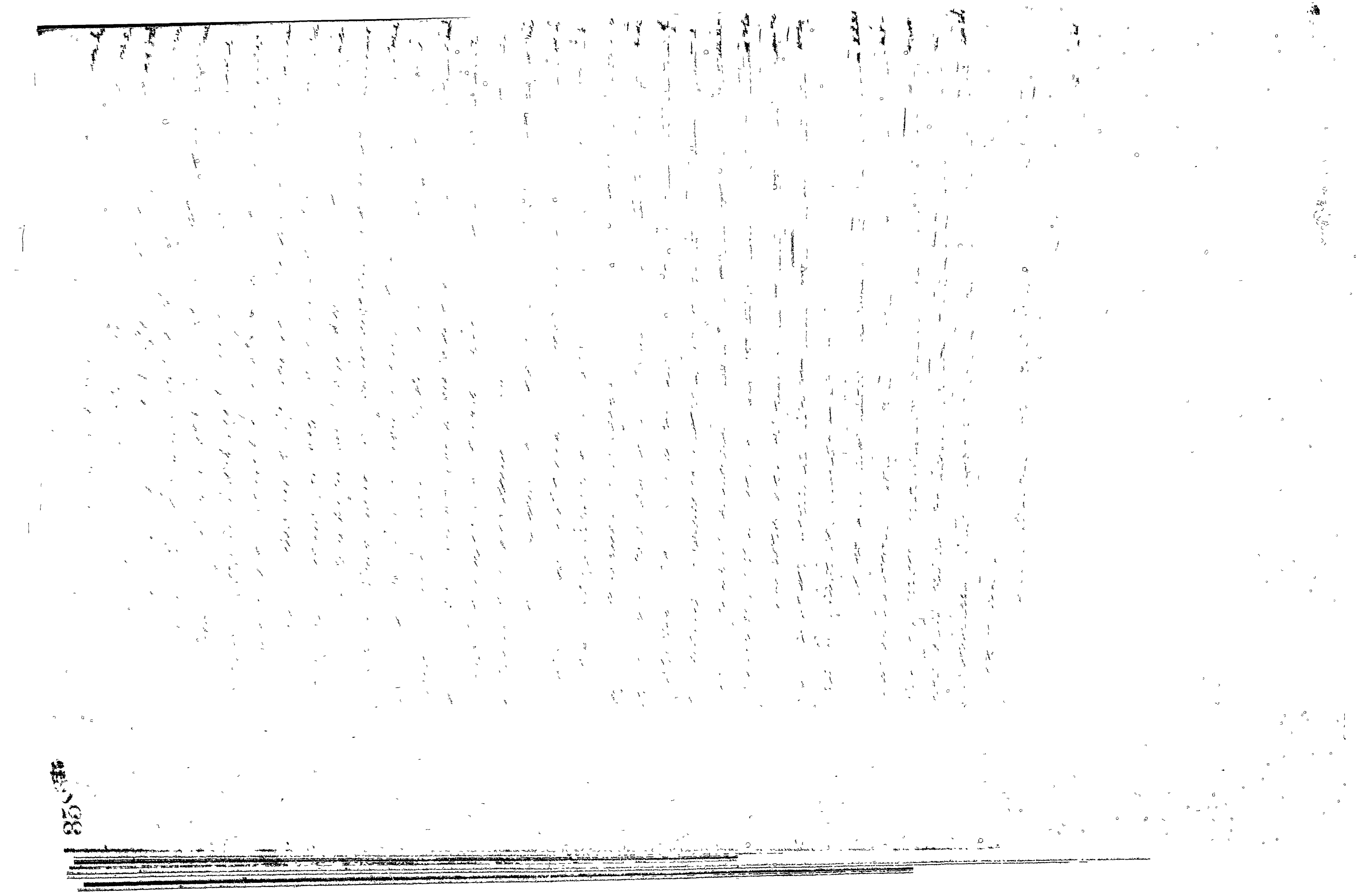
Executive Department
Austin, July 16th 1867.

Maj Genl Griffin
Comdg Dist of Texas
Galveston,

General – In answer to yours of the 8th inst., requesting the names of all judges that have failed to organize juries in accordance with Circular No 13 &c &c, I have to say that I am not advised so as to be able to give you the information desired.

Herewith you will find copies of letters from Judge Good, of the 5th Dist. on the subject of Circular No 13. He gives the reasons why the Court was not held in Parker County. He also states the progress he had made in Tarrant County. I am informed that he succeeded in getting one petit jury in Tarrant County, but not a grand jury. He has succeeded in Dallas, in getting full juries and is now holding his Court there.

You will also find copy of letter from JudgeEctor, of 4th & 6th Dist. I am not informed as to any failure in this Dist, nor do I



Executive Department
Austin, July 16th 1867.

Hon. Wm. M. Walton,
Atty General

Sir: Capt. H. B. Andrews, Special Agent, appointed by Tipton Walker, as Receiver of the G. H. & H. Railroad Company, appointed by the Dist Court of the U. S. for the Eastern Dist. of Texas, having applied for the lands to which said Company may be entitled under the laws of the State, and Geo. B. Nichols, Special Engineer, appointed to examine and report upon said Road, having made his report, you will please examine the laws, general and special, concerning this road; also the reports made by said Railroad Company to the State, and the report of said Special Engineer, and give an opinion as to the right of the Company to receive the land certificates applied for.

Very Respectfully &c
J. W. Throckmorton
Gov of Texas.

Executive Department
Austin July 17th 1867.

Capt. Stephen Crosby,
Comr. Land Office,

Sir: Herewith you will find certified copy of a decree of the U. S. Court for the Eastern Dist of Texas, appointing Tipton Walker, Receiver of the Galveston, Houston & Henderson Rail Road, &c.; also decree of the same Court, authorizing said Receiver to procure the land Certificates to which said Road is entitled, under the laws of the State. In pursuance of such authority the said Walker appointed H. B. Andrews, to apply for the Land Certificates referred to as due said Road from the State, (which appointment is herewith inclosed.) The reports of the State Engineers, who have heretofore examined and reported upon the completion of said Road, having been lost or mislaid, Geo. B. Nichols, was appointed Special Engineer to examine and report upon the same. His report having been made, and the Atty Genl of the State having examined the laws, general and special, touching the right of said Road to the land Certificates applied for, as well as the reports on file in the Comptroller's office, and the report of the Special Engineer, herein referred to, and having given his opinion that the said Railroad is entitled to the certificates asked for; you are therefore, authorized to deliver the Certificates to which the said Galveston Houston and Henderson Railroad is entitled under the laws of the State as shown by the report of the Special Engineer.

The report of the Engineer will be filed as an archive of your office.

J. W. Throckmorton

Executive Department
Austin, May 8th 1866.

Hon. Reuben M. Martin,
Austin, Texas.

Sir: Circumstances of recognition, as indicated in the accounts of the State's receipts, concerning under Government the transactions with your services and the Government, as the laws of Congress prohibits an organization of the Militia, accuse the Militia relating to the active officers of the State, with which you were charged have been unfulfilled, except the reception of funds from the Treasury Dept. at Washington, to pay for supplies furnished by citizens, to the Indian service, I request the Government to receive your resignation to take effect from the date hereof.

Thanking you for your attention to business of this office, and wishing you every success in life, I am Sir,

Most Respectfully,
Your Friend & Obt. Svt.
A. J. Hamilton
Gov. of Texas.

Executive Department
Austin, May 8th 1866.

Hon. W. E. Egbert
State Treasurer

Sir: The $12,000 U.S. currency received through Hon. G. W. Jefferson, agent of the State, and derived from U. S. Bonds, obtained by Gen. White and Chiles, now will be deposited to State Account to the credit of the Common School Fund, subject to be used in payment of the directed bonds of the United States from this State, should the same be desirable under the act of the Legislature, approved Aug. 12, 1866, in which event, Bonds of the State, to a corresponding amount, with "interest coupons" to be executed, in favor of the School Fund, rating the currency at its specie value.

A. J. Hamilton
Gov. of Texas.

Executive Department
Austin, July 31st 1867.

Hon B. H. Epperson
care of S W Swanson
No 80 Beaver Street
New York,

Dr Sir: Your report of the settlement of the Oliver & Bro. Bond question is this day received. I approve the same. The funds reported as in the hands of Mr S. W. Swanson viz: $9.800, in U.S. five Twenty Bonds, and $551.75 U S Currency, as the proceeds of your settlement with these parties, will remain as now deposited, subject to the future order of the Governor of Texas. The ten per Cent. charged by you for your commissions in attending to this matter is satisfactory. I feel assured but for your strict attention in this regard that the whole sum would have been collected by the parties from the U.S. Treasury, and the State would have got nothing.

Very Respectfully Your obt Svt.
J M Throckmorton

Gov of Texas.

August 1867.

Executive Department
Austin Aug 5th 1867.

Hon E.M. Stanton
Secty of War,
Washington City D.C.

Sir: Herewith, I have the honor to enclose for your information a tabular Statement of the casualties occurring on the frontiers of this State, since the close of the war. You will observe that one hundred and sixty-two (162) persons have been killed; forty three (43) carried into captivity, and twenty-four (24) wounded. Of those carried into captivity, twenty-nine (29) have been reclaimed. The amount of property stolen and destroyed has been very great. The amount and value has not ~~been not~~ been reported from all the Counties. That reported is as follows: Number of cattle 30,838; number of horses 3,781; number of sheep and goats 2,430. This Statement is made from Official reports of the County Judges, of the several Counties, except as to the killing and captures made during the past month of July,- but the number of persons reported to have been killed, wounded and captured during that month (eighteen in all) is from reliable authority.

I venture to suggest that the U.S. Posts on the frontier of this State, although well selected for the purpose of covering and defending the line, are too far apart in some cases to effectually answer the purpose. Also that the frontier line along Red River, from the mouth of Big Witchita, to Cook County, is the most exposed part of the entire line, and subject to greater danger. Between the post now established at Buffalo Springs, and Cook County, there should be a permanent Post. Or if the leased lands of the Indiana Territory and the Pan handle country of Texas, were placed in this military District, (as it should be, and under the same officer) a line of Posts should be established extending from Buffalo Springs to the Canadians. This would make a continuous line, and protect the friendly Indians as well as Texas border.

I am, Sir, very Respectfully
Your obt Svt

J W Throckmorton
Gov of Texas

Executive Department
Austin, Aug. 5th 1867

Maj Genl Griffin
Comd'g Dist of Texas
Galveston.

General - Herewith I send you tabular statement prepared by the Adjutant General, from official reports of the County Judges of the frontier counties, - except from the last counties mentioned. The deaths and captives reported in the month of July last is not official, but presumed certainly to be reliable. The parties of Indians that committed these last depredations carried off considerable property, but the amount is not known.

I am Genl very Respectfully
Your obt Svt.
J W Throckmorton
Gov of Texas.

Executive Department
Austin, Texas Aug. 8th 1867.

The following order having been received, and in pursuance thereof, delivering up the Executive office and records of this State, I deem it proper to leave upon record a brief statement of the reports received from the heads of the different departments, and officers of the State Government; also to state the progress made in the execution of certain laws, with which, as Governor of the State, I was specially charged:

Head Quarters 5th Military District
New Orleans, La., July 30th 1867.

Special Orders No 105. - (Extract)

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4. A careful consideration of the reports of Major Genl Charles Griffin, U. S. Army, shows that J. W. Throckmorton, Governor of Texas is an impediment to the reconstruction of that State, under the law; is, therefore, removed from that office.

E. M. Pease, is hereby appointed Governor of Texas, in place of J. W. Throckmorton, removed. He will be obeyed and respected accordingly.

\+ \+ \+ \+ \+

By command of Maj Genl P. H. Sheridan
George L. Hartsuff
Assistant Adjt Genl

Official
George Lee, 1st Lt 2nd U S Infty, actg Asst Adjt General

[illegible] Treasury [illegible]

The Treasurer of State [illegible] in following way:

Dr.

To amt remaining from last Biennial [illegible] Treasury [illegible]

In General —	137,851.50	
" [illegible]	[illegible]	
" State Institutions	[illegible]	[illegible] 628,502
Amt received from Aug 1st 1868 to July 31st 1870, viz.		
" [illegible] from [illegible]	[illegible]	
" [illegible] from [illegible]	[illegible]	
" [illegible]		
[illegible]	[illegible]	
To amount transferred from [illegible] Fund under Act of [illegible]	[illegible]	
" State Institutions from [illegible]	[illegible]	[illegible]
		[illegible]

Cr.

By amount of [illegible]		
transferred [illegible] Fund [illegible]	[illegible]	
" " [illegible]	[illegible]	
" " [illegible] " "	[illegible]	
" " [illegible] Printing laws & Journals [illegible]	[illegible]	
" [illegible] for [illegible] [illegible]	[illegible]	[illegible]
By amt of Treasury disbursed, as follows		
For Expenses of the 11th Legislature	[illegible]	
" Pay of Officers Provisional Government	[illegible]	
" Expenses of Supreme & District Courts	[illegible]	
" Costs due Clerks, Sheriffs & Attorneys	[illegible]	
" Expenses Lunatic Asylum, including pay of [illegible]	[illegible]	
" " Deaf & Dumb [illegible] Blind [illegible]	[illegible]	
" Repairs on Public Buildings	16,[illegible]	[illegible] 338.95
" Printing laws & journals 11th Leg. in part	[illegible]	
" Distributing the same	[illegible]	
" Payment of int on 8% bonds to Jany [illegible]	[illegible]	
" " " " " " " July " "	[illegible]	
" [illegible]	[illegible]	
" [illegible]	[illegible]	
" [illegible]	[illegible]	[illegible] 64
" Purchase of [illegible]	[illegible]	
" [illegible]	[illegible]	
" [illegible] Geological Report	[illegible]	
" [illegible] Land & Ins. Fund	[illegible]	
" [illegible] in Sabine Pass	[illegible]	
" [illegible]	[illegible]	
" [illegible] State Cemetery	[illegible]	
" Pay of officers of State Penitentiary	[illegible]	[illegible] 116.35
Amt carried forward —		[illegible]

Amt brot forward		$388 186.81
Salaries and expenses, embracing pay of officers and clerks of the several Departs. publishing proclamations, recovering fugitives from justice, Telegraphing, stationery, printing including appointment rolls &c., postage porter hire, &c &c		92,077.52
By amt of State liabilities turned over to Comptr and cancelled by him		142,614.57
" " " interest bearing currency and Louisiana Bank bills rec'd		1,403.00
" " " counterfeit currency drafted from the bookmaker act Aug. 13 1866		410.00
" " " cash on hand 31st July 1867, specie $106.34; currency $1219.81		1326.15
		$626,518 03

Special Deposits

Amt received from all sources, inclusive of the appeals (notes &c) of fro le clerks estate —	$329,069.49	
Disbursed (notes turned over to atty Genl for collection)	387,042.05	
Balance on hand — — — —		5,025.44
County Taxes, amt received from all sources	17,131.45	
Escheated Estates, amt of receipts	2,688.71	
Appeals fees — amt received,	12.50	$19,832.66
Six per cent State bonds, amt redeemed — —	$122 800 00	
Amt disbursed — — — —	122 800 00	
University Land sales, amt received in 10 % warrants	$12,230.39	
Comptrollers certificate of State indebtedness to this fund	10,300.41	
Amt in currency transferred	417 60	
	$22,948.40	
Amount disbursed — —	$12,646.99	$10,301.41
Special Loan Tax, Comptroller's certificate of indebtedness.		$79,409.50
University Fund, Transferred from State revenue,		496 00

Comptroller's Report

(See next page for tables)

Statement from Books of Comptroller's Office showing amounts and kinds of Funds received and deposited to credit of State Revenue Account, from August 14th to December 31st 1866, and from January 1st to July 31st 1867 inclusive.

Source of Receipts	Receipts from Aug. 14 to Dec. 31st 1866 Specie	Currency	Warrants	Total	Receipts from Jany 1st to July 31st 1867 Specie	Currency	Warrants	Total
From Taxes of years prior to 1865	250 82	24 58	9306 65	9582 05		1526 30	41 60	1567 90
" " " 1865 and 1866	889 44	161,904 82		162,794 26	456 35	106,141 23		106,597 58
" " " 1867						55,959 12		55,959 12
" Sundry Sources		6,139 02		6,139 02	41 15	4741 83		4782 98
Total	1140 26	168,068 42	9,306 65	178,515 33	497 50	168,368 48	41 60	168,907 58
" Money Refunded	557 15			557 15	62 00	405 06		467 06
" Sales $5115 43 Specie						7116 65		7116 65
" " $1360 Int Currency						1428 00		1428 00
" " $44 00 Bank Bills						18 78		18 78
" School Funds by transfer under act for 6th 1866 & 95					260 14	25,355 33		25,616 07
	1691 41	168,068 42	9,306 65	179,066 48	820 24	202,692 30	41 60	203,554 14

Total Receipts from all sources from Aug 14 1866 to July 31st 1867, in Specie 2571 65
in Currency 370,760 72
in State Warrants 9548 25
Grand Total from all sources, 382,620 62
Less transferred to School Fund in Specie $25 55 Cur $2 40 Warrants $9306 65 9358 20
$ 381,662 42

It will be seen from the above Statement that $55,959.12 have been paid on Taxes for 1867. It is proper to remark that this sum is almost entirely derived from occupation tax. The Comptroller estimates that near $162,000 in addition will be derived from this source. The Comptroller estimates the Taxes for 1867, derivable from the income ad valorem and poll tax, yet to be paid in at $410,334.00, this being a low estimate. Estimating the whole tax for 1867, at a moderate rate, at $460,334.00.

N.B. 5% Texas Indemnity Bonds.

By authority of "Act concerning the 5% U.S. Indemnity Bonds &c," approved 30th Oct 1866, I have sought to arrange the controversies growing out of the use of said Bonds by the Military Board of the State during the war, with most unfeigned regret I say it that my success has not been greater.

One of the main difficulties, was the utter confusion which existed among the papers and records of the Board, through which all the Bonds passed from the State. Mr. Geo. J. Durham was employed to examine said papers and records, to bring them into order: he spent something like two months in the examination, but it was necessary that his labor should be concluded before steps could be taken in the discharge of my duty unadvisedly. After the fullest examination, many material facts touching these Bonds, were unfounded or unconnected with other known facts: particularly was it impossible to find the numbers of all the bonds which passed to Messrs White & Chiles, which are mentioned hereafter more at large.

1. There were in all, so far as I have been able to learn 255 of these Bonds which had not at the date of the act referred to, been disposed of, whether beyond the reach of the State authorities. As soon as the necessary data was obtained through the examination of Mr Durham, I appointed Hon. B. Hu. Epperson, agent for the State, to undertake the recovery of the Bonds, or compromise controversies relating thereto, as he might deem best for the interest of the State. Much of his time has been consumed in this agency since he was appointed.

2. Of the bonds traced and which had not been paid, sixty one were in the Treasury of the U.S. at Washington, on deposit, twenty in possession Mess. Oliver & Bro. of Monterey, Mexico, nineteen were mailed in 1865 by Mr. W. L. Blum, who acted for the Military board to Col Ma. J. Johnson, and were lost, one hundred and fifty-one were in the hands of Mess. Droege & Co, of Manchester, England, obtained through the agency of Mess Jno M. Borchen & Co. for the Military Board, and four were in the hands of Pearce, one of the Military board.

3. Though proper efforts were made to obtain possession of the money due on the 61 bonds on deposit at Washington, success was not met with, notwithstanding they were in active, and no adverse claim to them. An effort was then made to have them applied to the part payment of the Direct Tax levied by the U.S. on the lands in the State of Texas, but in this there was also a failure. The bonds remain in the Treasury at Washington.

4. It was hoped that the 19 bonds mailed to Col M. J. Johnson and lost might be found in Dead Letter Office, but not so. Protest was filed at the Treasury against their payment should they be presented by any party, save to the authorized agent of the State.

5. The 20 bonds that were in the possession of Oliver & Bro were by Consent held at the Treasury, and the proceeds divided with the New York Life Insurance and Trust Company in the city of New York, to abide any settlement that might be agreed on, between Mr. Epperson and Oliver & Bro. For the deposit; a compromise has been arranged, whereby the receives the sum of $9,800.

of $31,75 in Ord & Warrants, Such Officer & Tex. had a duty ac-
countable. Receipts to said Bonds. I feel more satisfied with the
services of Mr. Johnson

6. The 157 bonds in the hands of Drexel & Co, have not been
paid. There are many controversies growing out of this dif-
ferent transactions, by which said firm got possession of said
Bonds. Besides the 157 bonds held by Drexel & Co there is a sum
of money in the hands of Lloyd, Wilcotts & Co of London, Eng-
land say £16 & 18, 12/4 in specie, with interest thereon from
25 th Dec. 1862. This sum depends on the result of negotiations
with Drexel & Co. Mr. Johnson as also the Atty Genl, have been
allowed much labor on these controversies, and have about suc-
ceeded in preparing them for settlement; the delay being now
caused by the non arrival of vouchers and authority to
Mess Ballinger & Jack of Galveston, the agents of Mess Drexel & Co.
With a little time at my command, I feel sure the 157 Bonds
and a large ~~sum~~ portion of the money could be realized for the State.

7. There was a transaction between the Military Board and
Mess White & Chiles, whereby the latter came into possession of 185
bonds, with coupons sufficient to make about $156 000. A bond was
given whereby the obligors bound themselves to pay to the State the sum of
$156 000, in Texas State Bonds, or Treasury Warrants, in the event they failed
to import, for the use of the Military Board, certain articles of merchandise
specified, in schedules, between the parties. The bonds and coupons
were taken by Mess White & Chiles, and a total failure made to intro-
duce the articles. Efforts were made by Gov Hamilton, to have a
settlement with Mess White & Chiles, but without success. These bonds
had been disposed of by them, to various parties, and at the time of
my going into office, were being paid at the U.S. Treasury. Protests
were filed against the payment, but being notified that the State must
take affirmative action, or the protest would be disregarded, I ad-
vised with the Atty Genl, and he at once went to Washington, to
confer with Mr Jefferson, and take every possible step to protect the in-
terest of the State. Having filed our protests in concert with Mr
Jefferson against the payment of all the Texas Indemnity Bonds,
he found they would be paid notwithstanding. After consultation
with eminent Counsel, it was deemed advisable to institute suit by
injunction against the Treasury, and all the parties who
held any of the White & Chiles bonds. The suit was instituted, giving
as fresh Counsel, one-fourth the amount recovered, and nothing if
they failed; to this suit Mess White & Chiles were made defendants.
I had to deposit about $250 00 under the rules of Court to secure
costs in the case. Subsequent to the institution of the suit a
compromise was effected with Mess White & Chiles whereby the
State secured $12,000 in currency, and length of the U.S. Bonds
(on file in the Treasury) for $1000 specie each, and the release of the

of Mess White & Chiles on 75 of the bonds held in England by Drouget Co. In consideration for the money bonds and release above mentioned the State released all claim on Mess White & Chiles and their securities on the bonds specified for $156 000. There were about 57 bonds at the date of the institution of the suit (which had passed from the hands of Mess White and Chiles to third parties, and which had not been paid at the Treasury) which were not affected by the compromise with those gentlemen, and depends on the result of the suit. Since the commencement of the suit, the Secretary of the Treasury, not regarding the protest of the State, nor the pendancy of the litigation, caused 34 of the bonds to be paid; they with the coupons attached amounting to about $37,250 00. The payment of the bonds at the time and under the circumstances was unexpected, and unjust to the State.

8. Mr. Pierce declined delivering the four bonds held by him. Protest was filed at the Treasury against their payment. He seized and holds said bonds on account of a sum of money he claims as due him from the military board for services rendered and moneys advanced.

9. There were placed in the hands of Mr. E. B. Nichols, in the year 1863, the sum of $12,450 00 of the coupons detached from the Indemnity bonds, while they were in the State Treasury. They were given to his charge to sell for account of the State. They were not sold during the war, nor until the summer of 1867, and then were disposed of at par for specie. A number of interviews have been had with the agent of Mr. Nichols, but no satisfactory conclusions have been arrived at. The accounts of Mr. Nichols with the State, and military Board have not been settled, and it is sought on his part to embrace the coupons in his settlement of his collow, property and other accounts. I have not deemed it proper to permit the charge against him for the coupons, to be involved in the confusion of the other accounts, and have constantly insisted that he should account to the State for the coupons as an independent transaction, leaving his other accounts to be settled according to their own merits; to do this he has failed up to the present time. Mess Jno M Swisher & Co. are charged with $19,675-00 of coupons from these bonds. They do not deny the receipt of them, but claim that they (S & Co) are held liable by Mess Drouge & Co of England, for about an equal amount on account of the State, and decline delivering said coupons or their value until the matters of controversy between the State and Mess Drouge & Co is finally adjusted. I have thought it the more expeditious, to wait for said settlement, rather than resort to a suit against Mr. Swisher & Co. particularly so as the matters with Mess Drouge were in train of settlement. Mess Swisher & Co I am apprised will pay over the sum due as soon as the C[illegible] for Mess Drouge & Co.

All of the W.B. 5% Indemnity Bonds which belonged to the State, at the beginning of the war (634 in to) were disposed of during the war, and have been paid at the Treasury of the W.B. save ~~the~~ those mentioned herein. It is very probable that with proper management, as much as three hundred to three hundred and fifty thousand dollars can be saved to the State from these bonds.

The Legislature made an appropriation of $1000, to defray expenses which might be incurred in the pursuit of the Bonds. Of this sum $684.82 have been expended, which should properly be a charge against the fund arising from the recovered Bonds, to the credit of their general revenue account of the State.

— Military Boards —

Mr. George J. Durham, was appointed accountant under an act of the Legislature to examine and adjust the books, papers and accounts of the late Military Boards. These papers were in great confusion, and much time and labor has been required to reduce them to anything like order. Mr. Durham's report is satisfactory and contains much useful information. A condensed statement "shows the outstanding 5% Indemnity Bonds and coupons or proceeds thereof, belonging to the State, where and by whom held, this unaccounted for."

The 149 bonds, sold by Jno M Swasher & Co to Geo Peabody & Co. in England, and subsequently paid in Washington realized the sum of £255.981.17.6d nett, which at $4.85 per £ is equal to	$1236.012.00
and is in controversy with Drouge & Co of Manchester, England.	
The 151 bonds are also held by the same parties and are involved in same controversy	151 000 00
On each of these bonds there are 5 coupons, which at $25 each is equal to	18.875.00
In addition to the above there were 120 coupons placed in their hands by Drouge, Oelling & Co of Matamoras, to pay insurance on the 300 bonds taken to Eng. by Jno M Swasher & Co, which insurance was subsequently paid by the Military Boards, but the coupons were nevertheless retained, by Drouge Oelling & Co. of Matamoras and forwarded by them to Drouge & Co of Manchester, Eng.	3 000 00
Making, to be accounted for by them, the sum of	$198 887.00
The controversy touching the 20 bonds placed in the hands of Olivo & Bro was adjusted by B. Ho. Effuson Esq. and the proceeds $9.800 in 5-20 W B bonds, and $[illegible]7.75 in W B currency, both computed at 72c specie per $ is equal to which was deposited with S. M. Swanson Esq of New York.	7453 26
Of the 135 bonds paked to White & Chiles, controversies in regards to them are partly adjusted by Mr. Effuson, $12,000 W.B. Currency having been paid over by him, and Eight 5% Indemnity Bonds without coupons, he caused the W B Treasury for payment — — — —	8000.00
Carried over —	$214.

Amt brot over		$214,348 26
Of the 2 — bonds delivered to M. L. Sloan, 6 were returned as before stated to the State authorities and the remaining 19 were mailed to Mr S Johnson and miscarried in whose hands they now are is at present unknown — — —		19 000 00
Of the 112 bonds in the hands of the Provisional State Government, 57 have been paid to the order of Governor A.J. Hamilton, and 61 still remain there unpaid		61,000 00
There is still unaccounted for by Jas M Swisher & Co. the January Coupons of 1862 out from the 300 bonds taken to England by him, equal to	$7.500.00	
and detached coupons used by him, subject to the adjustment of the Drogel Controversy, the sum of — — —	$19.275.00	$26775 00
Amount unaccounted for by Gen E. B. Nichols in Coupons — —		11450 00
" " " " W. P. DeBormandie " " placed in his hands by Gov A.J. Hamilton — — — — —		400 00
Making, outstanding and unaccounted for a sum in specie equal to,		$332 963 26

Public Property

Under act Nov 12, 1866, and Joint Resolution of same date, Capt J M W. Heale, was appointed State agent to collect and dispose of the public property. He collected and sold to the amount of $4,394 15/100, after deducting the fees allowed him. Immediately after the death of Capt Heale, Capt. Ed Fivvin, was appointed his successor. This gentleman has discharged his duties actively and with fidelity to the State. His report shows sales to the amount of $3,128 80/100 after deducting all expenses and his fees. An effort was made to sell the foundary building and machinery altogether. It was found that this would result in a sacrifice, and the attempt to sell the machinery was made. It was found an absolute necessity to sell even this in parcels. Advertisements were inserted in several papers to effect as good a sale as possible. The machinery has been sold; the building and lots could not be sold for their value.

Gen Oakes coming at this place requested the use of a part of the building for a school for negro children. Capt. Fivvin, made an arrangement with him, and a part of the building has been fitted up by the Bureau for this purpose. The property is receipted for to be returned to the State upon application. The money received by the agents for the sale of property has been deposited in the Treasury. The agent's report shows the shipment of Copper, mixed metal, lead &c for which, as yet, he has no return, and other property on hand.

Direct Tax due the United States.

By an act of the Legislature, Nov 13. 1866, I was authorized to have assessed and collected 28 cents on the $100 worth of property, the direct tax due the General Government; and by an act 12 Nov. 1866, authority was given to use any of the Texas Indemnity Bonds that might be received, for the same purpose. In execution of this law, a communication was addressed of the Treasury, for information.

in order as near as possible to ascertain the proper amount to collect I was informed that only $130,008 00 had been received, and that the amt. collected was not known at the Dept. In consequence of the confusion, I urged upon the Secty the propriety of sending a Special agent to Texas to examine the books and accounts of the Tax Commrs Mr. E. M. Randall, was sent for this purpose. He reports the amt of money collected by the Tax Commrs of Texas, regularly and irregularly, and their employees, is something over $180.000.00, one thirds to one half of which is in excess of the proper amount". Mr. Randall recommends that the State become responsible for and collect the balance due, by which means the receipts given by the Commrs and their employees can be taken up and the amount improperly collected be refunded.

As there was no action taken by the authorities of the Government that would justify it, I did not deem it proper to make the apportionment, and collect as authorized by the Legislature. I proposed to the Secty of the Treasury to convert the $60.000 of Bonds belonging to the State, which were in the Treasury at Washington into currency and pay it as so much on what was due. It was thought that the $60,000 in specie Bonds would realize about $80.000 currency. I also proposed that the State should transfer the proceeds of the Bonds purchased by Mr. Peabody which amt to ~~near~~ about $126,000, to the U.S. and when collected by the Government to receive a credit on the Taxes for that amount. It was thought from these sources with the amount already paid, that very nearly a sufficient sum would be realized to discharge this indebtedness of the State, and that any deficiency could be made up from the bonds yet in the hands of Droege Eatting & Co, or from other bonds in process of collection Should such an arrangement not be made, judging from the Comptrollers estimates of the amt of State revenue that will be collected by the 1st January next, the debt can be paid from the State Treasury, and relieve the people at the present time from the payment of the Taxes which would be seriously felt.

— Auditorial Board —

The report of the board shows the total amount of the debt as outstanding and valid, under the ordinance of the Convention, and the law defining the duties of the Board, to be, say, $331.471 14. Of this amount $139,055.32 has been audited, and to pay such Coupon Bonds of the State to the amount of $122,800.00 have been issued in lieu of the debt funded, leaving $17.255.32 audited, for which certificates of indebtedness have been issued. Of this amt $3.509 76 are 8% certificates issued to Principals men called out by Governor Hamilton

There have been issued by the board 5% Specie Bon

follows, viz: To the University fund — — — $134,472 26
" Common School Fund — — — 82,168 82
Total — — $216,641 08

These University and School bonds have semi-annual specie coupons attached, bonds payable 1st Jany 1879. The report of the Board is in detail and satisfactorily shows the character of each clas of the State debt. The duties of the board have been laborious, and it is believed the adjustment and settlement so far has been in strict conformity to the law.

Penitentiary

A very full and complete report of the amount of property, material on hand &c., belonging to this institution, up to 31st July 1867, has been made by the Superintendent, including every species of property and the value thereof, as well as material, belonging to this ~~institution~~ same. Also a full and satisfactory report of the financial operations of the same. These reports are interesting and show the Penitentiary to be in a flourishing condition notwithstanding the serious difficulties that have been encountered in its administration. On the 1st last March there were 414 convicts, Since then there has been received 71. There has been turned over to Labor Board 179; 12 have been pardoned; 5 discharged on expiration of sentence, and 2 deaths. Up to the time of turning over to Labor Board a portion of the convicts, a large number were comparatively idle, and consequently a heavy expense.

On 31st July 287 convicts remained on hand; 11 are cripples and do very little work: Ten per cent of the force is to be deducted for sickness, leaving about 259 for duty. Of this no 194 are worked in and around the factory; the balance in the different shops — 8 in Carpenters shops; 10 in Shoe shops; 4 in Blacksmith shops; 4 at spinsp; 2 at Grist mill; 2 teamsters; 4 gardners; 6 at Kitchen &c &c.

The Financial Agents report of the operations of his Dept shows it to be in a flourishing condition. The demands upon him on account of outstanding debts contracted before he took charge have been serious. From previous information according to the best estimate he could make there were debts against the institution to the amount of about $30,000, since A large amount of this indebtedness has been discharged.

The manufacture of cloth has increased from less than 3000 to over 5000 yds per day, besides the manufacture of other materials. The report of the Agent having just come to hand, I have not the time to refer to it in detail. The reports are on file in Comptrollers Office. It will be seen that the woolen fabrics consigned at present rates amts to $150,915 23, which has been drawn in favor of Penitentiary in 1866.

leaving balance in favor of Penitentiary in Specie $49 444 22 which is subject to deduction for transportation, commissions &c which will not materially affect the general total. Add to the above materials on hand and paid for,—

154 bales of cotton, 77000 lbs @ 14¢		$10 780 00
Wool	18 200 " " 16¢	2912 00
Wood	220 @ $25	550 00
Total		$14 242.00

On hands, per report of June & July '67 cloth of various qualities - 35,936¼ yds.

Old Accounts of the Penitentiary

Under an act approved 27. Oct 1866, Mr. B F Davis was appointed an agent to examine the accounts of the financial agents, with instructions to include the accounts from Sept. 1863 to Sept. 1866. The affairs are voluminous and complicated, extending over a record of three years' business. From the report and account current in each case, Mr. Davis appears to have made himself master of the points and spared no pains to make his reports complete.

1st In the accounts of S. B. Vennaricks, the aggregate receipts shown are, Specie, $114,239 22, State Warrants, $7300 00 Confederate money $300 641 30; and the expenditures, Specie $106,030 46 State Warrants $7,468 89, Confederate Money $301 390. 96, which shows a balance of Specie unaccounted for of $8.259 24, and an excess of Credit in State Warrants $168 89 and Confederate money $749 66. In Merchandise the aggregate receipts from Factory of 382 781¾ yards, and books show sales &c 379,445¼ yds. leaving a balance unaccounted for of 3336 yds. the value of which is estimated at $550 10, making a total deficit of $8,809. 34.

2. In the affairs of Col G W Sinks, Mr. Davis disagreed with a report Col Sinks filed, since the report of Mr. Davis was made. The receipts shown in the Cash account are all on Specie basis, and are $160,528 62, against which vouchers show Credit of $160,519 95. In merchandise the receipts from Factory 903 288 yds. and account of sales show 898,763½ yds, leaving unaccounted for 4524½ yds. The affairs of Col Sinks, show a clear balance as to cash and an excess of credit in merchandise. On being notified by the Atty Genl of the deficit, Col Sinks at once visited Austin, and after a careful comparison, admitted the correctness of Mr. Davis' report, and settled the balance against him, amounting to $568 88 Specie. It is proper to observe that there was due Col Sinks $750 00 half years' salary, out of which the deficit was paid, leaving a balance due him $181 12

3. There is a discrepancy in the Colleton affairs of Col Smith and that of Mr. Davis, The aggregate amount of sales as shown by Mr. S. is $109,413 83 against which vouchers show an expenditure of $106,732 54, showing a balance to be accounted for of $2,681 29.

4 To recapitulate –

Deficit shown in a/c of S B Hendricks –	$8,809.34
" " " " " G W Sinks (+ settled)	568.88
" " " " " J. C. Smith	2,681.79
making a total deficit of	$12,060.01

Mr. Davis gives a full history of the a/cs to which reference is made. He has discharged the duty with zeal and ability, and should the remaining two accounts not be promptly settled, they are left in a shape to be proceeded with at once without difficulty.

Public Labor Board;

was created for the purpose of relieving the Penitentiary of its surplus ~~hands~~ convicts, and to make them useful to the country. The law went into effect on 13th Jany 1867, when the board was fully organized, by the adoption of rules for the government of the convicts, and the contracts for hiring them. Contracts with the Air Line and Brazos Branch R. R. were made. On the 7th March 150 convicts were delivered; others have since been delivered, making in all 186, of these 28 escaped, 3 of whom were recaptured; and 7 have been returned to the Penitentiary. There were in the employ of said roads on 31st July 1867 149 convicts.

The earnings from the contracts to same date are	$ 8,121.11
Disbursements to same date	6564.63
Leaving a balance of	$ 1546.48

The convicts have been clothed from the Penitentiary, and the Board is indebted for the value thereof, say 1200$. All transactions in specie. The Legislature made no appropriation to organize the Board. Agents had to be appointed, advertising under the law, in various papers, and conveying the guard to the Penitentiary &c all, before a return from the labor. But the experiment proves beyond question that this disposition of the convict labor can be made profitable to the State, and contribute largely to the success of public enterprises of the country, and at the same time obviate the necessity of building a new Penitentiary, or enlarging the capacity of the present one.

The principal escapes occurred in a few days after the convicts were transferred, before the guards were thoroughly organized, and their quarters had been made secure. Railroadmen are pleased with the labor, and one of the agents reports a great amount of work than is usual from any other character of lab. In response to the advertisements, bids for the hands were sent in from several companies. Twelve dollars and fifty cents specie per month, with rations and quarters, was the highest and best bid. The State furnishes clothing guards, Physician &c. Upon the whole the exp is most satisfactory.

Attorney General.

Attention is called to the Report of this officer. The labors of the office have been kept up notwithstanding its great increase, because of the change of Government at the time of his going into office. The report shows the gratifying fact that the Courts when unobstructed by military interference, were diligent and prompt in the punishment of crime. From various causes full returns of the convictions have not been made but from the partial returns received, it will be seen, there have been 12 convictions for Murder in the 1st degree; 5 in the 2nd degree: Manslaughter, 4; negligent homicide, 3; Rape 7; Forgery, 1; embezzlement, 3; robbery, 2; burglary 17; adultery 2; perjury, 2; theft 196; horse stealing 30; assaults with intent to murder 35; aggravated assaults 45; petty offences, 351. The greater part of those convictions were had at the Fall terms of 1866.

The two changes he recommends to the law are material and if made, it is believed would work advantageously towards the punishment of the graver crimes, and the settlement of questions concerning escheats. The laws in regard to estates, which are liable to escheat, require, not only to be amended, but to be remodeled.

Estates without Known Heirs.

Parties claiming to be the heirs of Jno. C. Clark, have instituted suit against the Treasurer of the State, to recover the assets belonging to said estate, which in compliance with the law, have been deposited in the Treasury. The assets in gross amount to about $380 000, on which there is interest at 10 %, since 1863. The sum is now a large one. Although the law makes no provision for the employment of Counsel, to aid the Dist. atty, in the defence of this character of suit, yet I deemed the matter of sufficient importance, to engage assisting counsel, stipulating with them to allow such fees as the Legislature might grant to them. I do not think a fee of 6 % on the account, contingent on success, would be too much. In order to make the best defence the case is capable of, an appropriation of at least two thousand dollars should be made, to defray expenses of obtaining testimony. Personal visitation to distant States will have to be made in order to check combinations of those who claim to be heirs. There are not less than four different set of heirs claiming to be the heirs of Jno. C. Clark. To take testimony in the ordinary way will uncover the loss of the estate ~~to the State~~, and permit it, in all probability, to be received by fraudulent ~~heirs~~ claimants.

Suits to review the administration of Estates without known heirs —

The Legislature passed an act authorizing the Executive to employ counsel to institute review suits, against the administrators of estates liable to escheat, where there was reason to believe that mistakes of law or fact had occurred in the administration, prejudicial to the State. Under this law Jno. T. Hearcourt Esq. was employed to bring bill of review as to the administration of the estate of Jno Le Clark, in Wharton County. Mistakes covering unknown 40 & 50 thousand dollars are believed to exist. A contingent fee of 15% on the amount recovered, is stipulated by contract with the atty, - he to prosecute the case through all the courts to which the case may be carried.

J. W. Lindsay, Esq, of Cook County has been employed on like terms, to review the administration of the estate of Jas Parvy, in Cook County. The mistakes in this administration are believed to amount to from four to five thousand dollars.

— University — Law and Funds —

As required by a joint Resolution of the last Legislature a Board of administrators of the University of Texas, was appointed. The Board met and organized on the 15th Feby 1867. After considering the various questions connected with their duties, it was concluded not to make a selection of a site for the University, but to examine localities where donations were offered, and points which presented favorable considerations. The proceedings of the Board have been published. The Legislature set aside 25 of the 50 leagues of University lands, for the endowment of the "East Texas University," and appointed a Board of administrators to select a site for the same. I am not advised of any action of this board.

Under an act of the 12 Nov. 1866, M W Allen, was appointed an agent to select and sell portions of the University lands and to superintend the correction of conflicting surveys &c. Selections have been made in Grayson County and sales took place 1st Aug. 1867. Another selection in Fannin County, is to be sold 1st Monday in Sept. next. I presume other selections have been made, but not yet reported. Mr. Allen has personally inspected the lands and selected those most likely to bring fair prices.

There remains unpaid on University lands heretofore sold, by Jno H Brown, principal and interest due 1st Aug 1867. $30.035 5/8 specie. These lands are, under the law, subject to resale. The necessary papers have been prepared in the Treasury and in the Land Office, under the sup

ion of the atty Genl, for the purpose of advertising and selling these forfeited lands.

Under the direction of the act of Nov 12 1866, Specie Bonds of the State, with 5% Coupons attached to the amount of $1544472 26 have been executed and placed in the University fund, in lieu of this amount, with interest belonging to said fund, used under direction of former legislation.

Agricultural College Scrip.

On 23d Feby last I forwarded to Hon B H Epperson, the acts of the Legislature, accepting the ~~donation of~~ land scrip, donated to the different States by Congress, for the endowment of agricultural and Mechanical colleges, with authority to receive the same, &c. The authorities declined to issue the scrip.

Common School Fund, Board of Education &c.

Under Article 10, Section 10 of the Constitution, a Board of Education was to consist of the Governor, the Comptroller, and the Superintendent of Public Instruction, by the same section this board was to have the general management and control of the permanent School fund and Common Schools, subject to regulations by the Legislature. And under the same section, such superintendent was to be appointed by the Governor, with the concurrence of the Senate. The last Legislature passed an act establishing a system of Common Schools, and regulations were adopted concerning the School fund. The board was necessary for the management of the Schools and funds, and the Superintendent was essential for organization of the board, so, near the adjournment of the Legislature Prior Lea, was appointed.

The Board of Education had its first meeting 17th Nov. last. There were no funds on hand to be distributed for schools, but the Board proceeded to make collections, on the terms prescribed by law, as fast as practicable. The following shows the present condition of school funds, as reported by the Treasurer:

From 31st Aug. 1866 to 1st Aug 1867, Railroad companies have paid interest as follows:

Houston & T. C. of annual interest		$25,830.00	
" " 1/8 instalment		6,230 00 =	$32,060.00
Buffalo B. B. & C 1/8	do	— —	6,120.00
Washington Co 1/8	do	— — —	317.98
Texas & W. C. 1/8	do	— —	16,143.75
		specie —	$54,641.73

converted into currency to pay salary of Sup. Pub. Instruction $ 1,132.42
Balance of said currency on hand 751.50

Since the Treasurer's report $12,000.00 currency collected as proceeds of U.S. Bonds have been deposited in the Treasury to the credit of the School fund. For further information as to the prospect of funds &c and amount already collected, in the hands of Mess Swenson & Perkins, New York ($9,800. in 5-20 bonds and $551 75 currency) belonging to this, fund, see the statement herein on the subject of the U S 5% Indemnity bonds.

Amounts of principal due from Railroad companies;

Houston & T.C.	$ 432 000 00
Buffalo B.B. & Co	408 000 00
Washington Co	37 017 00
Houston T & B.	295 800 00
Texas & N. O.	450 500 00
Southern Pacific	150 000 00
	$ 1,753,317 00

Companies failing to pay annual interest, since the Stay law of 1861, exept 1/8 installment by some of them, as above;
Buffalo B.B. & Co., Houston T & B, Washington Co. Texas & N.O. Southern Pacific.
Companies failing to pay 1/8 installments - Houston T & B, South Pacific
Amounts of 2% Sinking fund due, 1867.

From Houston & T. Co.	$ 67 200 00
" Buffalo B B & Co.	59 480 00
" Houston T & B	42 000 00
" Texas & N. O.	58 860 00
" Southern Pacific	15 000 00
	$ 242 540.00

Amount of 5% specie State Bonds deposited in the Treasury to the credit of the School Fund, in substitution for 5% U.S. Bonds belonging to the School fund, but used by the State for other purposes. — $82,168,82.

The Sup. of Pubic Instruction has made a brief report of his transactions disconnected from from the Proceedings of the Board of Education. It appears that after his acceptance of the office, the 13th Nov. last, he continued at and near Austin, until the last of Dec., attending to his duties, among which were Correspondences particularly a Circular to the County Courts, concerning and accompanying the Common School Law, and an address to the to the people of Texas on the subject of education. After leaving Austin, he travelled in other parts of the State, giving attention to Schools and education in general. On his recent return to Austin, he opened another address on the subject of education, making important suggestions, resulting from observations and studies on the subject to which he has devoted a large portion of his time.

Secretary of State

His office report with the condition of the State and public archives, makes the usual suggestions for their improvement and preservation, for which the necessity of having additional rooms for the archives and matters relating. His report in regard to the Bureau of Life Record, the distribution of laws and other documents, exchanges with other states, notaries & Masonic Charters, the State Commissioner, Secretary's office, deserves attention. It appears that there have been about 300 commissions issued, 12 free commissions, 7 notaries, 1 commissioner of deeds, 1 commissioner of the State, 1 commissioner of the State Bureau of Regulations for Engineers & Firemen, 1 commissioner of Lines and Fences, besides various other letters in relation to the public business. Attention is invited due the Reports, the act of Corporation & School Land, and the laws connected with the administration of the Government. The laws and resolves of the 17th Legislature, the 2d Ann. Rept. of Regents, and the Annual Report of Land Commr. have been received and distributed by him.

The operations of this Dept have been laborious, and have been performed in the most faithful and energetic manner. Much has been done which cannot be recovered, and I feel that it is due the head of the Dept to express my thanks for the energy and fidelity with which he has discharged the duties devolving upon him as well as for his services as a member of the State's Labor Board, which is indebted to him for more attention than any other member.

— Board of Commissioners Public Buildings.

This Board reports the refitting of the old Court House for Supreme Court Rooms, besides repairs on the Capitol and Treasury buildings, and the grounds. They also give a memorandum of necessary work to be done next year upon public buildings and the grounds. They have expended the appropriation of $1500, made by the Legislature for this purpose, which has not been sufficient for the necessary repairs and furniture. They also report a debt amount of $1400 due. They recommend that in future the State Treasurer be charged with the duties of this Board.

Sundry Statute

A law was passed by the Legislature, authorizing the Governor to subscribe for a sufficient number of copies of the laws to supply each county Court and certain officers of the State with one, and a 100 additional copies to be deposited in the State Dept, and appropriated for that purpose $1000 in addition

Under this law, being anxious not to go beyond the appropriation, and yet desirous of securing as many copies as possible, I made a contract with Mr. Sayles to have 1000 copies, ordinary paper, half of which to be bound in half leather, and the remainder stitched and trimmed, this being the utmost I could procure within the appropriation. Afterwards ascertaining that there were elected 15,000 Justices of the Peace, and being further satisfied that the book would be exceedingly useful, with the consent of Mr. Sayles, I made an additional contract with Mr. Jo. Walker, to bind the 500 copies mentioned in the former contract, to be stitched and trimmed, and print in best style, paper, ink and binding 500 additional copies, for the further sum of $2800 in specie, or its equivalent in currency, at the time it might be paid. The 1000 copies mentioned in the first contract have been delivered and distributed, and the appropriation of $5000 has been drawn. There remains to be delivered the 500 copies above named, and provision is to be made hereafter for this payment. The printing is completed and the binding I am informed will be finished in a few days.

State Library

Mr. Robert Josselyn was appointed Librarian, in conformity to the act of Oct. 26, 1866. The salary of this officer was fixed by the act referred to, but as no appropriation was made to meet the same, he has served without receiving any pay. The books have been removed to the room formerly occupied by the Supreme Court. It has required great care, labor and attention to remove the books, to arrange and replace them properly.

Mr. Josselyn has with much care, prepared a Catalogue of the books, and from this and his report it will be seen that there are 5427, bound volumes besides unbound works and manuscripts - many of value which should be bound. The catalogue should be printed.

Land Office

The report of the Commissioner shows the operations of this Dept to have been conducted with industry and ability. The receipts since Aug. 16th 1866 to 31st July 1867, currency $7070.40 and specie $47.40, of this $180.00 in currency was paid in on presumption claims, and $626.25 for land under act of Feby 11th 1858. The balance was derived from patent and office fees and Government dues. From 13th Aug - 1866 to 31st July 1867 there were issued 778 patents representing 420745 acres of land and four Austin City lots. There has been issued to the Washington Co R.R. Co 132480 acres in land certificates; Texas & N. Orleans R.R. 409 cos, and to the Galveston, Houston and Henderson R.R. Co 512000 acres.

Penitentiary, Deaf & Dumb & Blind Asylums.

These institutions are in as flourishing a condition as the means appropriated for their support will permit. They are ably managed, and answering the ends for which they were established. The Treasurer's report shows the expenditures in the respective departments. Of this $31,177.20 of this $37,177.20 is charged to the Penitentiary, of which $9,687.25 was drawn in one appropriation to finish the hospital, and fit it up for the reception of lunatic prisoners; $800 of this latter sum, not being needed, has been refunded in the Treasury, leaving a deficiency from appropriations for the Lunatic Asylum of $26,511.20. For Deaf and Dumb $10,375; and for the Blind, $6,327.77. The reports of the respective superintendents, give the number of patients and pupils, as well as the condition of these respective charges. These gentlemen have discharged their duties faithfully.

Railroads.

State Engineer & Superintendent Public Works.

In conformity to the act of 1862, p. 1. section, said engineer and Supt. Public Works, personally examined the different Railroads, and reported upon their condition. At the request of the Texas and New Orleans Railroad Company, he examined a section of that road, and made a report upon the same, which is on file in the Land Office, and upon which, certificates for 412 per acre of lands were issued to the Company. Recently, parties representing the Galveston, Houston and Henderson Railroad, presented claims for the land due that road under the act. The condition of the road had been reported upon, and correspondence of the past were found in the Executive Office but the records could not be found. It was therefore deemed proper to allow certificates to issue until such a report is obtained by law verified. Mr. Geo. B. Nichols, was appointed special Engineer to examine and report upon the road, which report is on file in the Land Office. The Superintendent of Roads recommended certificates upon reports proceeding near the amount of 12,000 acres. The Director Gen. Vorgenwalt, having ceased to pay any portion of their salt due the Schools since the war, and barring matters and of their friendly efforts to obtain the proceeds, the necessary sale law, so far as the necessary interest for the year and issued to enable to advertise the land for sale, to take place on the 1st of June. With the view to secure the attendance of purchasers, independent, the advertisement was made in one of the Galveston papers, under the direction of Gov. Throckmorton, as. The draft of resolution is of this and other companies, is called under the head of Common Schools.

The Southern Pacific Road has failed to pay its interest, but repeated and recent assurances have been given that the amount due shall be paid at an early day. The anticipated change in the State Government has promoted the advertisement of this Road for sale.

Geological & Agricultural Bureau.

By Joint Resolution of Oct 30th 1866, that ~~act~~ of 1861, which suspended the survey, was repealed, and the 2nd Section declared that it was "expedient that a State Geologist be appointed by the Governor;" but there was no appropriation to pay the salary of such officer, or to continue the survey; therefore no appointment was made. But as the Legislature made an appropriation of $1000 to remove the Specimens from the Old Land Office to the State Library room in the Capitol, and for the purpose of rearranging and classifying them, I deemed it proper to appoint an assistant Geologist. Prof. S. B. Buckley, who completed the report of the State Geologist, Dr Francis Moore, and who had been engaged with Drs Moore & Shumard in the survey, and who had many recommendations from gentlemen of eminent scientific attainments as Professors and Geologists, of the first Institutions of learning in the U.S., was appointed to that position, on 16th Dec. last, and the appropriation was placed at his disposal for the purpose intended.

Prof. Buckley has discharged the duties in a manner entirely creditable to himself, and it is not doubted, will result profitably to the State. He has been most constantly and laboriously employed in the removal and arrangement of the Specimens. When he took charge they were in confused heaps and many of the labels destroyed. The Specimens are now in better condition, more thoroughly grouped and classified than they ever were. Besides this labor he has made at my suggestion quite an extensive tour of observation into the Coal fields of the Counties of Milam, Robertson and Leon, with highly gratifying results. The coal discovered on the main and Little Brazos is thought to be quite good and is evidently in large granities and easily obtained. That found in Leon does not promise so well. On this trip the Prof. examined the oil region on the Lampasas. The expense of this tour was borne by himself and Dr Gideon Lincecum, who accompanied him part of the journey. He has made two trips into the Iron region of Burnet and Llano Counties. Reports of his observations have already been published. He has made a full and interesting report of his operations since his appointment. As there was no appropriation he has drawn no salary. He should be paid and reimbursed his expenses on his late trip. I commend him for his industry, zeal and ability; and his fidelity in his obligations to the St.

State Cemetery.

In accordance with provision made by the Legislature, Mr. A. Eaves, was appointed Sexton. Under the requirement of act of 1866, the Comptroller and Treasurer have made a contract for enclosing a portion of the grounds. In pursuance of a Joint Resolution, a lot has been set aside for the burial of the dead of the U. S. army, and a grant describing the same, delivered to Genl Oakes, Comdg the Post; also copy forwarded to Genl Griffin Comdg District of Texas.

Militia

The Legislature provided for the reorganization of the Militia of the State. With a view to carry this purpose into execution Col Davis R Gurley, was appointed Adjutant General and entered upon the duties of his office 1st Feby last. Subsequently Congress passed a law, disbanding the Militia of the Southern States, and prohibiting any further organization in these States. In consequence the preparation for carrying out the law of the State was suspended.

Tonkawa Indians.

An appropriation of $3,500, was made for the use and benefit of these Indians, to be expended under the direction of the Executive with authority also to have selected land from the public domain upon which to settle them. The law also provided for the appointment of an agent, who was appointed, and who took charge of them, and their immediate wants supplied. A correspondence was had with the Commissioner of Indian Affairs, and the authorities of the General Government urged to take charge of and provide for them. In response to this the Commissioner had forwarded — blankets and yards of cotton cloth which was properly distributed, and an a/c thereof returned to the Indian Dept. At the same time the Commissioner authorized the purchase subsistence for them to the amt of $2000. The different Commanders of this post kindly supplied them with rations as long as they remained here, and a limited supply for their journey to Jacks County, in which it was expected to locate them. On the march, on the faith of the letter from the Commissioner purchases were made of beef to the amount of $ for their subsistence. During the trip they became ungovernable, and one of them attacked the agent, and but for the intervention of the Squaws, he would doubtlessly have murdered. It became apparent that they could not be controlled by State authority, and direction was therefore given to turn them over, and the military authorities at Jacksboro were requested to take charge of them. Since which time the State has had no control of them.

There has been used of the appropriation for their benefit $1.518 22/100, and refunded to the same $53 95/100 currency and $62, specie derived from sale of property that had been purchased for them. There has been paid the agent up to the time his services were dispensed with $166 66/100. Since they were taken charge of by the military subsistence in beef was purchased on the faith of the letter from the Indian Commissioner, under the direction of the Comd'g officer. All the necessary vouchers of these expenditures, have been forwarded to the Dept at Washington, and their payment requested. Also the original vouchers upon which money was paid out of the State Treasury, have been forwarded, as a just claim of the State against the General Government and payment respectfully requested. The several changes in the office of Comm'r of Indian Affairs, doubtless, is the cause of no settled policy in regard to these Indians. The Executive has earnestly urged the necessity, of either providing for these Indians in Texas near some U.S. Post on frontier or of sending them back to the Witchita agency, in the Indian Territory.

Alabama, Muscogee, and Coshattie Indians.

In accordance with the act of Nov 10. 1866, Mr. R. J. Rowe, was appointed agent for the Alabama and Muscogees, and Col H Washington, for the Coshatties. Their salaries were limited to $100 each per annum. These gentlemen deserve credit for the interest they have manifested in behalf of these people. So far they have drawn no pay for their services. The Legislature provided that the Muscogees, should have 320 acres of land out of the public domain of Polk County, but I have been informed, by the agent, that suitable land cannot be obtained in that county and in consequence no selection for them has been made. I contemplate at the proper time, asking of the General Government to provide these Indians with farming utensils, &c. They are honest and industrious, and deserve encouragement.

Indian Captives.

There has been reclaimed from captivity through Indian traders and the Indian agency of Kansas, Mrs. Box, and four daughters who were captured in Montague County; also a Mrs. Luster, captured in Wise or Jack County, and a Norwegian boy, from Bosque. It is not known, but believed that Mrs Luster has returned to her friends. Recent information of the reclamation of the Norwegian lad has been sent to his friends, and direction given to the agency in Kansas, that any reasonable expenditure properly authenticated in his behalf will be refunded by the State. A lad by the name of Buckalow, of Uvalde County, was from the Kickapoo Lipan Indians in Mexico and to his friends, through the exertions of a Mexican.

name is unknown. Mrs Box and daughters were returned to this place by the U.S. authorities. On account of her injuries and exposure, she remained sick in this vicinity a considerable time

It is not certainly known as to the number that still remain victims among their merciless captors, but the best data indicates that there are still fourteen, if they are not dead. There is no abatement of the Indian forays on the border. On the 12th ult in Hamilton County a lady and gentleman were killed, a lady and several children wounded, and a little boy carried off. About the middle of last month an extensive raid was made through the counties of Jack, Wise, Parker & Young, the Indians passing in sight of the U.S. Post at Buffalo Springs. On this raid, in Parker county, a Mr. Briscoe & wife were murdered, and their four children were carried off. In Young county, three young men were killed. Much property was carried off. Other casualties are reported but not known to be certainly true.

Frontier Defence & Indian Depredations.

The Legislature authorized the executive to put in the field ten companies of mounted men for the defence of the frontier and made provision to pay for the same. Authority was given to able and experienced officers to organize the Troops. A correspondence was had with the military authorities of the General Government on the subject, with the statement that there was no desire to incur this expense if the Government would place Troops at an early moment on the frontier. It became apparent that the authorities of the Genl Government would not permit these Troops to take the field, and in consequence, though they were much needed, orders were given to discontinue the organization. No expenditures were made under these laws. A very lengthy correspondence has been had with the President, Secty of War, and Comd'g General of this Dept. and State, on the subject of frontier defence. Military posts have been established along the line, but in many places the distance between the posts is so great that the Indians can penetrate the settlements undeserved.

Circular letters were addressed to the different county Judges of the border Counties, and information in an authentic form, requested as to the number of persons killed and captured by the Indians since the termination of the war, and character and value of property stolen, and the number of stock &c, as near

could be ascertained. From these official sources, it appears that since May 1865, there has been murdered by the Indians 164 persons; 24 wounded; 43 carried into captivity, 29 of whom have been reclaimed. All the county judges have not reported. It is certainly known that quite a number should be added to this melancholy list of killed and captured as there is no report from Wise County, one of the heaviest sufferers and none from Young, a county that has been almost entirely broken up, besides casualties that have occurred in other localities, and since reports have been sent in.

A meagre report from some of the counties show a loss of 3495 horses; 30187 head of cattle; 2430 head of sheep. This statement is far short of the actual loss. A tabular statement with original affidavits are on file in the Executive office, copies of which have been forwarded to the Com'dg General of this Military District.

J. W. Throckmorton
Gov of Texas.